

MONTANA Public Safety Officer

Standards and Training Council

February 19, 2020

Face to Face Meeting 8:00 a.m. 12:00 p.m.

Department of Transportation

2701 Prospect Ave

Helena, MT 59620

Members Present

Tony Harbaugh Chairman by phone

Jim Thomas

Leo Dutton

Kevin Olson

John Strandell Acting Chairman

Matt Sayler

Kristine White

Jess Edwards

Wyatt Glade

Tia Robbin by phone

Ryan Oster

Kimberly Burdick

Jason Jarrett

Members Not Present

POST Staff Present

Perry Johnson Executive Director

Mary Ann Keune Administrative Officer

Katrina Bolger Paralegal/Investigator

Legal Counsel

Kristina Neal

Guests

Andrea Lower by phone

John Metropoulos by phone

Mark Kraft by phone

Bob Edwards by phone

Truman Tolson by phone

Brent Colbert

Russ Christoferson

Scott Mickelsen

Glen Stinar

Phil Drake

Dan Whitted

Bryan Lockerby

Cory Bailey

Frank Parrish

1	Kellie McBride
2	Gloria Soja
3	Amanda Cahill
4	Shelby DeMars
5	Shamani Shikwambi
6	Rick SyWassink
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1 WHEREUPON, the following proceedings were
2 had:

3 * * * * *

4 CHAIRMAN STRANDELL: We'll call this
5 meeting to order. Good morning, everybody. My
6 name is John Strandell. I'm Chair of the meeting
7 today. Chairman Harbaugh was not able to attend.
8 He's still in Miles City, but will be with us on
9 by phone. I'll start out the meeting by doing the
10 roll call.

11 MR. JOHNSON: Tony Harbaugh.

12 MR. HARBAUGH: Here.

13 MR. JOHNSON: Kimberly Burdick.

14 MS. BURDICK: I'm here.

15 MR. JOHNSON: Leo Dutton.

16 MR. DUTTON: Here.

17 MR. JOHNSON: Jess Edwards.

18 MR. EDWARDS: Here.

19 MR. JOHNSON: Wyatt Glade.

20 MR. GLADE: Here.

21 MR. JOHNSON: Jason Jarrett.

22 MR. JARRETT: Yes, sir.

23 MR. JOHNSON: Kevin Olson.

24 MR. OLSON: Here.

25 MR. JOHNSON: Ryan Oster.

1 MR. OSTER: Here.

2 MR. JOHNSON: Tia Robbin.

3 MS. ROBBIN: Here.

4 MR. JOHNSON: Matt Sayler.

5 (No response)

6 MR. JOHNSON: I haven't heard from him.

7 I thought he was, he would be attending, so maybe
8 he'll get here. John Strandell.

9 ACTING CHAIRMAN STRANDELL: Here.

10 MR. JOHNSON: Jim Thomas.

11 MR. THOMAS: Here.

12 MR. JOHNSON: Kristine White.

13 (No response)

14 MR. JOHNSON: Again, I think we got a
15 room for her last night, so she's probably in
16 town, maybe running a little late. Okay.

17 ACTING CHAIRMAN STRANDELL: We'll
18 introduce ourselves around the table, and have
19 them be introduced then on staff, please.

20 MS. NEAL: Kristina Neal, contract Legal
21 Counsel.

22 MS. BOLGER: Katrina Bolger, paralegal
23 investigator.

24 MS. BURDICK: Kimberly Burdick, public
25 member.

1 MR. GLADE: Wyatt Glade, Board of Crime
2 Control, County Attorneys.

3 MR. THOMAS: Jim Thomas, public member.

4 MR. EDWARDS: Jess Edwards, Blackfeet
5 Law Enforcement.

6 MS. KEUNE: Mary Ann Keune,
7 administrative support for POST.

8 MR. JARRETT: Jason Jarrett, Gallatin
9 County Sheriff's Office, Detention.

10 MR. OSTER: Ryan Oster representing the
11 Police Chiefs.

12 MR. DUTTON: Leo Dutton, Sheriff, Lewis
13 & Clark County, representing Montana Sheriffs and
14 Peace Officers Association.

15 MR. OLSON: Kevin Olson representing
16 Department of Corrections.

17 ACTING CHAIRMAN STRANDELL: John
18 Strandell, I'm the state law enforcement
19 representative.

20 MR. JOHNSON: Perry Johnson, Bureau
21 Chief of the POST Bureau.

22 ACTING CHAIRMAN STRANDELL: We have a
23 lot of guests here today. If we could start in
24 the gallery, if you could introduce yourself just
25 for the record. Would you start, sir.

1 MR. DRAKE: I'm Phil Drake with the
2 Great Falls Tribune.

3 MS. SOJA: Gloria Soja with the Lewis &
4 Clark County Criminal Justice Services.

5 MS. McBRIDE: Kelly McBride with Lewis &
6 Clark County Criminal Justice Services.

7 MR. BAILEY: Cory Bailey, Helena Police
8 Department.

9 MR. CHRISTOFERSON: Russ Christoferson
10 with the Motor Carrier Services.

11 MR. LOCKERBY: Bryan Lockerby, DCI.

12 MR. STINAR: Glen Stinar, Law
13 Enforcement Academy.

14 MR. MICKELSEN: Scott Mickelsen,
15 President, Dawson Community College.

16 MR. SHIKWAMBI: Shamani Shikwambi,
17 Dawson Community College.

18 MR. SyWASSINK: Rick SyWassink,
19 Department Chair, Criminal Justice, Dawson
20 Community College.

21 MR. PARRISH: Frank Parrish, Montana
22 State University.

23 MR. WHITTED: Dan Whitted, Toole County
24 Coroner, with the Coroner's Association.

25 MR. COLBERT: Brent Colbert, Lewis &

1 Clark County Sheriff's Office.

2 ACTING CHAIRMAN STRANDELL: Did we miss
3 anybody?

4 (No response)

5 ACTING CHAIRMAN STRANDELL: Okay. What
6 I'd like to do is have everybody stand and we'll
7 do the pledge of allegiance, please.

8 (Pledge of allegiance)

9 ACTING CHAIRMAN STRANDELL: If I could
10 call on Sheriff Dutton to give us an invocation.

11 (Invocation)

12 ACTING CHAIRMAN STRANDELL: Then I
13 forgot to have the people on the phone introduce
14 themselves. Sheriff Harbaugh, can you start,
15 please.

16 MR. HARBAUGH: Tony Harbaugh, Council
17 Chair. I am in absentia today, and have asked
18 John Strandell to conduct the meeting in person
19 there. Thank you.

20 ACTING CHAIRMAN STRANDELL: Tia.

21 (No response)

22 ACTING CHAIRMAN STRANDELL: Are you
23 there, Tia?

24 MR. METROPOLIS: Jon Metropolis, for
25 Missoula Correctional Services.

1 MS. ROBBIN: Tia Robbin, public member.

2 MS. LOWER: Andrea Lower, Pretrial
3 Services, Gallatin County.

4 MR. KRAFT: Mark Kraft, Sidney Police
5 Department.

6 ACTING CHAIRMAN STRANDELL: Is there
7 anybody else on the phone that hasn't identified
8 themselves?

9 (No response)

10 ACTING CHAIRMAN STRANDELL: Hearing
11 none, we'll move to the next agenda item. It
12 would be the approval of the October 2nd, 2019
13 Council minutes. Have all of the members had a
14 chance to review the minutes, and have any
15 corrections or changes?

16 (No response)

17 ACTING CHAIRMAN STRANDELL: Seeing none,
18 do I have motion to approve?

19 MR. DUTTON: Motion to approve the
20 minutes.

21 MR. EDWARDS: I'll second.

22 ACTING CHAIRMAN STRANDELL: Motion by
23 Sheriff Dutton, seconded by Chief Edwards. All in
24 favor of the motion, say aye.

25 (Response)

1 ACTING CHAIRMAN STRANDELL: Opposed.

2 (No response)

3 ACTING CHAIRMAN STRANDELL: Motion
4 passed. See, with me as chair, we just click
5 right along there.

6 MR. JOHNSON: Tell that guy on the
7 phone.

8 ACTING CHAIRMAN STRANDELL: Okay. Next
9 thing is public comments, guest issues. So this
10 would be the time if anyone in the gallery, if you
11 have any comments, if you'd like to stand and
12 identify yourselves, and tell us what you're here
13 for, if it's not an agenda item. Kim.

14 MS. BURDICK: Kimberly Burdick, public
15 member. Amanda Cahill with the American Heart
16 Association was supposed to be here. She was
17 going to take the opportunity to speak during the
18 public comment in regards to the dispatcher, the
19 telecommunicator CPR issue that is supposed to be
20 in the ARMs.

21 So she has her meeting location wrong,
22 so she went to the Academy instead. So I guess I
23 would just ask for an exception that she'll be
24 able to talk and public comment -- (inaudible) --
25 And maybe it would be appropriate where we do talk

1 about the telecommunicator CPR as well.

2 ACTING CHAIRMAN STRANDELL: Yes, once
3 she gets here we'll find time then to allow her to
4 do that.

5 MS. BURDICK: Okay. Thank you.

6 ACTING CHAIRMAN STRANDELL: Okay.
7 Hearing no issues out there, is everybody here
8 then for an agenda item then, a specific agenda
9 item? Okay.

10 MR. METROPOLIS: So this is Jon
11 Metropolis. May I ask a question?

12 ACTING CHAIRMAN STRANDELL: Yes, Jon.
13 Go ahead.

14 MR. METROPOLIS: I have a comment from
15 Missoula Correctional Services, which I will refer
16 to as MCS, regarding agenda item Roman Numeral
17 VI(C). Am I to deliver that comment now or during
18 that, or after that agenda item is addressed?

19 ACTING CHAIRMAN STRANDELL: You can do
20 it now if you wish.

21 MR. METROPOLIS: Okay. So this is a
22 public comment that -- this is a comment that MCS
23 has made on a couple of occasions in this process
24 in the past. I appreciate that the people who
25 have heard it have tried to follow along. I'm not

1 sure I've been crystal clear, but there has been
2 some improvements made in the change to 23.13.215
3 ARM, but they have not gone to deliver the
4 comments. Here's the comment.

5 As drafted in the new Subsection (5),
6 Pretrial Services Officers are required to go to
7 the firearms proficiency training. By statute
8 they have the authority to make arrests, and
9 they're not required to carry firearms, and MCS's
10 officers don't carry firearms. And so there
11 doesn't appear to be a rational reason to impose
12 firearms training on them. And I don't mean just
13 MCS, I mean Pretrial Services Officers.

14 And there's probably a way to -- When I
15 say there is no rational reason, I don't mean that
16 physical impossibility to comply, but there is no
17 rational reason to do so, and Pretrial Services
18 Officers not carrying a firearm, already by
19 statute authorized to make arrests.

20 So the imposition of this requirement is
21 a fairly heavy burden, and even if pre-existing or
22 existing today Pretrial services entities can
23 fulfill it with quite a lot of work, and
24 expenditure of resources including money, gives a
25 barrier to entry, and it makes it difficult for

13
1 not only our people and our businesses, but for us
2 to provide the services that we need to our
3 communities.

4 So we would, again, respectfully comment
5 that we think this Subsection (5) should be
6 written so that it's clear that Pretrial Services
7 Officers who are not carrying firearms do not have
8 to go through the firearms proficiency training
9 before they can make an arrest. Thank you for
10 your attention.

11 ACTING CHAIRMAN STRANDELL: Okay. Thank
12 you. Is there any other comments or discussion?
13 We'll move on to --

14 MR. JOHNSON: This is Perry. So if I
15 can.

16 ACTING CHAIRMAN STRANDELL: Go ahead.

17 MR. JOHNSON: Hey, today during our
18 meeting we usually start out by saying: Before
19 you speak, please identify yourself. So for
20 instance, if Ryan is going to speak, "This is
21 Ryan," because we're going to transcribe our
22 minutes, and those are the official record for the
23 POST Council, so it really helps our
24 transcriptionist if you'll do that.

25 So this is Perry. And I think during

1 public comment, I would direct your attention to a
2 letter from Steve Ette from the Gallatin County
3 Court Services. Andrea Lower is on the phone also
4 as a member of that group. And the letter is in
5 your packets. Everybody should have that.

6 It starts with, "Mr. Johnson, after
7 receiving the agenda." So there are several
8 things on here that they asked to be able to
9 discuss today with the Council. And if it's okay
10 with you guys, I would defer to Andrea if she
11 wants to work through that list; or if she wants
12 to, I can lead that conversation as well. So
13 what's your pleasure?

14 ACTING CHAIRMAN STRANDELL: I would
15 prefer that you lead the conversation.

16 MR. JOHNSON: Okay. So Andrea, this is
17 actually your opportunity then to participate with
18 the Council, and I'll just start out by posing the
19 questions that you did in the letter that we
20 received yesterday.

21 So number one is, "During the planning
22 phase of the Pretrial Services and Misdemeanor
23 Probation Officer Academy, there was a plan to
24 have an after action review of the last Academy.
25 Will the POST Council and the Montana Law

1 Enforcement Academy be scheduling an after action
2 review of the last course with the agencies before
3 making changes to the course?"

4 Glen Stinar is in the room -- he's the
5 Law Enforcement Academy Bureau Chief -- and so is
6 Bryan Lockerby, the Administrator of DCI under who
7 both the POST Bureau and the Academy fall under.

8 And Kevin Olson is in the room. He was
9 a party to the development of the curriculum, so
10 I'm going to, probably going to lean on Kevin a
11 little bit with this conversation, because I was
12 outside the scope of those conversations with that
13 group as the curriculum was developed, so I wasn't
14 really aware that there was some after action
15 issue there.

16 MR. OLSON: This is Kevin. And Andrea,
17 please feel free to chime in. I thought the POST
18 action review was going to be done by Andrea and
19 the folks that she looked to in the development of
20 the curriculum. Am I wrong, Andrea?

21 MS. LOWER: You know, I don't know that
22 it was defined who was going to set up a meeting.
23 I know that there was discussion regarding the
24 different players, you know, from the different
25 agencies that were observing throughout the

1 course, and like for example, Ravalli County
2 helping through the firearms course, to sit down
3 and actually look at the survey that was put out
4 following, you know, that survey that was done
5 following the course, which is also in the
6 material. And with holidays getting in the way,
7 everybody returning back to work after the first
8 of the year.

9 But there was discussion I know to sit
10 down, go through the course, see how things went,
11 what went well, what didn't, and to prepare for
12 class No. 2 now.

13 MR. DUTTON: So should we -- This is
14 Leo, just for those of you confused. I didn't
15 want to get a thing with Tony. Anyway, the part
16 about assigning who it is that's going to call for
17 the meeting and get a date, because that's my
18 recollection is that the people that were the
19 subject matter experts were going to evaluate it,
20 come back with a recommendation saying, "This
21 worked. This didn't. This is our
22 recommendation." Because we have no way of
23 knowing.

24 But that's my recollection of what Kevin
25 said. So if we could assign somebody, and then

17
1 they pick a date, and then, okay, they'll have
2 something back to us, that would be great.

3 MS. LOWER: This is Andrea. Absolutely
4 I can set something up with the parties that were
5 involved in the training, and some of the other
6 trainers of Kevin's staff that participated, and
7 see how things went. I can set up a date in the
8 near future and send out an email.

9 MR. OLSON: Thank you, Andrea. This is
10 Kevin.

11 MR. JOHNSON: This is Perry again. I'll
12 go to the next question then. "How was Dawson
13 County Community College (DCC) selected as the
14 possible provider of the Pretrial Services and
15 Misdemeanor Probation Officer Academy?"

16 Part 2, "Have other colleges or
17 universities been given the opportunity to submit
18 proposals on this process?"

19 Part 3, "Will the POST Council/MLEA be
20 requesting proposals from other colleges or
21 universities for this Academy course?"

22 Actually -- this is Perry still. Dawson
23 Community College was -- I reached out to them,
24 asking them if they would even have any interest
25 in developing a venue and a training cadre that

1 would be responsive to this Basic Academy class.

2 And the reason for that is that follows
3 conversations with Glen that the Academy doesn't
4 have the ability, especially now while they're
5 under construction, for the population that may be
6 required, but he also doesn't have the staff to do
7 that.

8 This was, everybody is aware that this
9 was a discipline that was developed by the
10 Legislature, and there was no accommodation in
11 regards to any financial consideration to the
12 Academy or to POST to certify more officers, to
13 train more officers, or to house more officers.

14 So that's the reason that I reached out
15 to Dawson. The reason I reached out to Dawson is
16 because I'm familiar with their background in
17 regards to a criminal justice degree program that
18 they've got there, that they've had for years. In
19 fact, I think Chief Oster was a graduate of that
20 Academy back in the day.

21 So I guess they weren't selected. They
22 were recruited to at least give us a proposal. So
23 there has been -- This is the first time this
24 Council as a whole has had the opportunity to take
25 a look at the proposal or even to consider it. So

1 that would be part No. 1.

2 "Have other colleges or universities
3 been given the opportunity to submit proposals?"
4 Any college or university can submit a proposal.
5 That's the bottom line.

6 The conversation that we've had with
7 Dawson has been really met enthusiastically by
8 that staff. They're very interested in having a
9 relationship with the MLEA and POST Council. If
10 other colleges, Flathead Community College, if
11 U of M, if MSU had an idea that they wanted to
12 look at this proposal, I would encourage it.

13 But I would keep in mind, too, that the
14 last Pretrial Service Academy only had 15 people,
15 and that was a population that needed to be
16 trained.

17 And so when you consider where we look
18 at in the future, what the population of that
19 group might be, and the investment that they may
20 have to make -- Dawson is here today. They're
21 ready to talk about this -- I think it's going to
22 be a significant exposure to that Academy.
23 They're going to have pony up some resources and
24 some staff.

25 And I like having Glen and Kevin both in

1 the room because they both know what it takes to
2 put together a curriculum, and to house people,
3 and to make that commitment to the law enforcement
4 community in Montana. So that's Part 2.

5 "Will the POST Council be requesting
6 proposals from other colleges or universities?" I
7 would remind everybody that part of the issue here
8 is that one year from date of hire to get trained.
9 You have one year as a Public Safety Officer to be
10 hired and to get your Basic Academy training.

11 So last year I think we put together --
12 on a wing and a promise. I think it went together
13 very quickly, and I think for the most part it
14 went pretty smoothly -- but we've still got that
15 issue out there of people that have been hired in
16 the last year that need to get to that Academy.

17 And I'll remind you also that there is
18 the ability to expand that footprint of that one
19 year to 18 months. The POST Council has delegated
20 the authority to me to review those requests for
21 an extension, and to grant them.

22 But the bottom line is if there is
23 people out there that are already at a year, if we
24 are recruiting other proposals, then I think that
25 you're going to have an issue where you're going

21

1 to bump into that time frame, where people are
2 going to be outside the scope of that 12 months
3 requirement, and probably or possibly that 18
4 months requirement as well.

5 So Andrea, was there anything else you
6 wanted to speak to in regards to that one?

7 MS. LOWER: This is Andrea. The only
8 thing that had been brought up during discussion
9 is if it is not required to have an RFP process in
10 selection as additional training facilities, for
11 example, like for example use Fort Harrison if
12 there is need for, you know, other training
13 facilities.

14 But if this was going to be a future
15 move, looking down the road for expansion, Helena
16 is centrally located, and just future needs of the
17 Academy itself. And I don't want it to be a stop
18 gap of, "We have this small group of people that
19 need to be trained once a year, and they're the
20 exceptions to their regular course and staff at
21 the Academy."

22 MR. JOHNSON: This is Perry again. I'll
23 speak to that just a little bit, because I think
24 even since Kevin was the Administrator at the
25 Academy, we've had off site Basic Academy classes.

1 And I refer to the Basic Coroner Academy class
2 that's been off site. We actually, several years,
3 ago this Council approved off site venue for P&P
4 themselves to utilize a different venue other than
5 the Academy.

6 In regards to central Montana, I'll just
7 say that it's as far for those guys from Glendive
8 to attend the Basic Academy classes in Helena as
9 it is for those guys in Helena to go to Glendive,
10 or Sidney, or Sheridan County, or Ravalli County,
11 or any other county.

12 And while I appreciate that we've got a
13 great venue right now for those other Basic
14 Academies -- and I think that the proof's in the
15 pudding -- the expansion of the Academy, the
16 expansion of the housing and the ability to host
17 those classes is there, I think that we still have
18 to look at a different venue in regards to this
19 class, because the bottom line is we don't have
20 the ability to train additional Basic Academies
21 with the staff that we've got right now. But
22 that's it right there.

23 And I guess the way that I look at this,
24 I don't think Dawson is coming to us with a stop
25 gap solution. I think that they're -- and they

1 can speak to this later in the day -- but my
2 conversations with them is that they're very
3 interested in being a resource to the State of
4 Montana for this Basic Academy, and maybe even
5 some other training opportunities as well. So I
6 guess that's kind of where I would direct your
7 attention on that.

8 I think I already answered that next
9 question. "Why was DCCC considered over other
10 colleges that are closer to the majority of the
11 Pretrial Services and Misdemeanor Probation
12 agencies?"

13 They've got a criminal justice program.
14 They've got the ability to put instructors in the
15 room that can instruct firearms, and defensive
16 tactics, and criminal justice programs. So I
17 guess that was a built-in resource that was
18 apparent to me.

19 And maybe there is other colleges out
20 there that can take you out to the range, and can
21 put you in a gym, and do defensive tactics, but I
22 know for sure that that's been part of the program
23 at Dawson County Community College.

24 I'd go to the next question then. One
25 of the items mentioned by an Academy graduate was

1 that the majority of the instructors were not
2 familiar with Pretrial Services or Misdemeanor
3 Probation duties and responsibilities.

4 Considering that the requirements of Pretrial
5 Services or Misdemeanor Probation Officer include
6 either possessing a bachelors degree or the
7 equivalency in experience, will DCCC be teaching a
8 theoretical approach?"

9 I think that it states that they're
10 required to have a bachelors degree. The statute
11 states that they have to have a degree. So I
12 think that an associates degree could probably
13 work in that regard, or the equivalency, and that
14 could be law enforcement experience or other
15 experience in community services, such as
16 counseling. And I guess I would let Dawson
17 Community College speak to the theoretical
18 approach during their presentation.

19 But I guess I would say this -- and
20 Kevin, I need you to chime in on this, because I
21 think we built something from nothing to begin
22 with, and I think we had to start somewhere, and
23 that's the conversation that we had. And I guess
24 I would look at Glen as well, or all of the
25 officers in the room.

1 Every Academy class is going to be a
2 little bit different, and we hope that every one
3 of them, we get to build on it a little bit, and
4 improve it a little bit. So I'd look at this as a
5 baseline, and I hope that's what it is, because
6 we've had those conversations, and --

7 MR. OLSON: This is Kevin. And if you
8 remember correctly, Perry, during our Curriculum
9 Review Committee meetings -- and Jim and Glen were
10 there -- we looked at this as a three year process
11 to get it level, knowing first hand, starting out,
12 that DOC would be providing the vast majority of
13 the instructors, and realizing that we don't have
14 any expertise in Misdemeanor or Pretrial Services
15 type functions.

16 The goal was in the first year we
17 provide the trainers; and then the second year,
18 Andrea's group would identify topic matter experts
19 in the various courses. And Glen was committed,
20 and I believe he still is -- we're only in
21 February -- of doing an instructor development
22 course, so that Andrea's group could identify
23 potential instructors, we can match on the staff,
24 take the instructor development course, and then
25 be able to hit the ground in the second year, and

1 by the third year, we should be at a place where
2 we're comfortable.

3 So DOC would be completely out, and it
4 would be kind of self-sufficient, like the
5 Coroners group. So that was the original plan was
6 a three year plan.

7 MR. JOHNSON: I would move to the next
8 one then. "What are the qualifications of the
9 instructors, to include the adjunct instructors?
10 Will any of the instructors be POST certified as
11 instructors or as Pretrial Services or Misdemeanor
12 Probation Officers? Will the instructors have
13 practical experience?"

14 This is Perry again. I think that your
15 answer to that was responsive to those questions
16 right there, that we're trying to develop a
17 program, and that includes a commitment from the
18 Academy that officers that are interested in being
19 trained as instructors will have access to that
20 training, and be part of the program as it moves
21 forward.

22 So Andrea, I feel like I'm kind of
23 rushing through this stuff, but you jump in when
24 you need to.

25 MS. LOWER: That's fine. Go ahead.

1 MR. JOHNSON: Okay. "Is MLEA and POST
2 moving forward with offering the instructor
3 development course for the officers who
4 volunteered to help teach the Academy?"

5 I guess I'm just going to look at Glen
6 Stinar, who is in the gallery today, to respond to
7 that. I had a conversation with him yesterday in
8 regards to that, so --

9 MR. STINAR: This is Glen at the
10 Academy. As soon as the people are identified,
11 we'll get some dates. That's our commitment.

12 MR. JOHNSON: Thank you.

13 MS. LOWER: Thank you.

14 MR. JOHNSON: "Is the POST Council or
15 MLEA going to privatize other Academy courses, or
16 is the exception only being considered for the
17 Pretrial Services and Misdemeanor Probation
18 Academy?"

19 In regards to privatizing other Academy
20 courses, I think we already spoke to that. We've
21 got other Basic Academies, specifically the
22 Coroner's Academy, Basic Academy, that is
23 instructed by outside instructors. Sometimes they
24 use the venue at MLEA if it's available. Other
25 times they're in Great Falls, or some other

1 location could be approved as well.

2 So at this point I think that that's an
3 ongoing conversation. Glen, you can correct me if
4 I'm wrong. But if we identify other assets or
5 resources out there that would help us move our
6 training program forward, we probably --

7 MR. STINAR: Sure. This is Glen with
8 the Academy again. You know, the Law Enforcement
9 Officer Basic course is the only one required to
10 be conducted at the Academy. We've had a lot of
11 conversations with MSPOA, and MACOP, and other
12 groups about the need to expand the amount of
13 basic courses we offer, based on the demand.

14 And we realize that one of our courses
15 of action should be looking at other venues where
16 we can provide the same, or where the same quality
17 of training can be provided, without necessarily
18 having so much direct involvement with the Academy
19 staff.

20 As Perry mentioned, we are building
21 bigger capacity, but we still don't have the
22 staff. Everybody was on the same page, and we
23 said if we just gave the Academy more instructors,
24 we could do more things. That's that third leg
25 that we can't control. You know, we've increased

1 bed capacity, we've invested heavily in the
2 infrastructure, so we have the capacity. We don't
3 have staffing.

4 So we think that as one of those courses
5 of action, particularly for agencies in eastern
6 Montana, if we can provide a place for Correction
7 Detention Basic classes, instructor development,
8 some of the things that traditionally happen at
9 the Academy, that it would provide the same
10 quality of service, at a greater level of
11 convenience, and ability for the agencies of
12 Montana.

13 I think that's sort of the conversation
14 Perry and I have had. So things don't stay the
15 same forever. We're just trying to figure out how
16 do we queue up the next generation for success.

17 MR. JOHNSON: So I think then that's
18 responsive to that next question. "Pretrial
19 Services and Misdemeanor Probation are being
20 singled out. Why?" And I don't think they are.
21 I think that we're looking at every opportunity
22 that we have to train officers in Montana, and do
23 it as effectively and efficiently as we can.

24 In regards to the next question, "What
25 is the cost estimate of DCCC operated Academy? In

1 the proposal it mentioned \$125 per week, room and
2 board, plus the normal cost of the Academy.

3 Currently the only cost for the Academy is for
4 room and board, excluding travel and equipment."

5 And I'm going to go ahead and capture
6 that next point as well in this, because it's all
7 about cost. "How will the additional travel cost
8 affect the agencies sending staff? For example,
9 Billings travel will be reduced by 30 miles one
10 way or 60 miles round trip for a total of \$132."
11 I won't read it all, but travel is an issue there.

12 Also the question, "Could staff remain
13 at DCCC over the weekends? Would they still
14 receive room and board? Would this cost extra?"

15 And I guess that will be part of the
16 proposal that we hear from Dawson Community
17 College. But it's my understanding that that \$125
18 a week is exactly what they are charging, which is
19 identical to what Montana Law Enforcement Academy
20 is charging for students or officers when they
21 obtain travel -- or training there.

22 In regards to travel, I'm just going to
23 go back to the same point that I made before.
24 It's going to cost people money to train officers
25 in Montana. And I guess I want to make sure that

1 everybody recognizes Pretrial Service and
2 Misdemeanor Probation isn't mandated by anyone.
3 It not a statutory requirement, like having a law
4 enforcement office, a Sheriff's Office, a Police
5 Department. You have to have those officers, and
6 they have to be trained.

7 This is an elective program. And my
8 understanding is that it's going to catch
9 traction. There is going to be people that are
10 going to use this, and it's going to benefit their
11 communities, and it's going to cost them some
12 money. That's the bottom line.

13 So it's going to cost people in Glendive
14 that much money to drive to Helena. So I guess
15 maybe I'm not being fair, but I feel like I am.
16 If it's going to cost the people in Glendive that
17 much money, or the people in Bozeman that much
18 money, what's the difference?

19 There's a good resource there. There's
20 room and board. There's instructors available.
21 And it looks like a good opportunity to me. But
22 the bottom line is Pretrial Services cost money.

23 And I'm glad that Kelly McBride is in
24 the room, and Leo, because Lewis & Clark County
25 has invested in that. They know that it's costing

1 money, and it's going to keep costing money. But
2 the benefits to the community is there.

3 So I hope that we've gone over the
4 questions. I guess when Dawson Community College
5 has an opportunity to speak on the agenda items we
6 can talk to them about cost, and weekends, and
7 stuff, but other than that, I think, Mr. Chairman,
8 we went through it.

9 ACTING CHAIRMAN STRANDELL: This is
10 John. Andrea, do you have any follow up or
11 questions pertaining to the letter that we
12 received?

13 MS. LOWER: This is Andrea. I have some
14 feedback. What was the question again?

15 ACTING CHAIRMAN STRANDELL: Just if you
16 had any further discussion or feedback.

17 MS. LOWER: No. I just appreciate that
18 you guys addressed the questions that we had
19 discussed the other day on the phone, and I look
20 forward to hearing the remainder of the
21 conversation today. Thank you.

22 ACTING CHAIRMAN STRANDELL: You're
23 welcome. Is there any other discussion on this
24 issue? I'm sure we'll have further discussion
25 when Dawson Community gets up and makes their

1 proposals.

2 (No response)

3 ACTING CHAIRMAN STRANDELL: Seeing none,
4 just for the record, Matt has joined us.

5 MR. SAYLER: I went to the Academy
6 first.

7 ACTING CHAIRMAN STRANDELL: Kristine.
8 I'm sorry. You snuck in on us. Good morning.

9 MS. WHITE: Yes, Kristine White.

10 ACTING CHAIRMAN STRANDELL: Kim, is your
11 speaker here?

12 MS. BURDICK: -- (inaudible) -- She did
13 just say that was going to -- (inaudible) --

14 UNKNOWN SPEAKER: I can until wait until
15 it comes up -- (inaudible) --

16 ACTING CHAIRMAN STRANDELL: Okay. I'll
17 let you make that call when we come to it.

18 Next agenda item. We'll go to the Bob
19 Edwards stipulation. Go ahead, Mr. Johnson.

20 MR. JOHNSON: This is Perry again. Did
21 somebody else join the call while we were talking?
22 If you did join the call, could you identify
23 yourself?

24 MR. EDWARDS: This is Bob Edwards.

25 MR. JOHNSON: Hi, Bob. Thanks for

1 calling in.

2 So this agenda item relates to Bob
3 Edwards stipulation, and this is a conversation
4 that started with our Case Status Committee that's
5 comprised of the Chair of the committee John
6 Strandell, Jim Thomas, and Tony Harbaugh.

7 Several years ago, two years ago
8 probably right now, Bob Edwards' certificate was
9 revoked. And during the course of the process
10 that enables him due process, he reached out, and
11 hired an attorney to represent him. The attorney
12 represented him through conversations with
13 Kristina Neal, our contested case attorney; and
14 then reached out and asked if there was any other
15 solution rather than a revocation of the
16 certificate.

17 We met with them back in the middle of
18 January, with Bob and his attorney up in Great
19 Falls. We talked about what we thought may be a
20 suitable resolution short of revocation, and the
21 product that you see on Page 103, 104, and 105 is
22 a stipulated agreement that would provide for Bob
23 to agree to remain away from law enforcement, not
24 serve as a Public Safety Officer for a period of
25 five years after his last date as Sheriff.

1 What that actually ends up doing is it
2 would provide for Bob's certificate to be
3 reinstated, or his status as a Public Safety
4 Officer to be reinstated on January 1st, 2024. If
5 Bob ever decided to become a Public Safety Officer
6 again in any discipline, he would be required then
7 to attend a Basic Academy. There would be no
8 recognition of his previous training in regards to
9 Basic Academy training, and he would start over.

10 So it comes to the Council today for
11 your decision.

12 ACTING CHAIRMAN STRANDELL: This is
13 John. And just to let the Council know that the
14 Case Status Committee is in support of this
15 stipulation and agreement. Is there any questions
16 or discussion?

17 (No response)

18 ACTING CHAIRMAN STRANDELL: Has
19 everybody had a chance to read the agreement?

20 MR. OLSON: This is Kevin, and I've just
21 got to ask why we would stipulate to this.

22 MR. JOHNSON: This is Perry. I think we
23 had that conversation as a Case Status Committee,
24 and I think that really it comes down to a cost
25 benefit analysis to the Council. We recognized

1 what our case looked like; and we recognized what
2 Bob's case looked like as well. And we thought
3 that there was a benefit to the Council to take a
4 step back, take a look at it, and to agree to
5 this.

6 MR. OLSON: This is Kevin. I appreciate
7 that, but wouldn't that same analysis apply to
8 everybody that we decertify? Would we be giving a
9 stipulation to everybody that we decertify?

10 MS. NEAL: This is Kristina, and Mr.
11 Olson, I would agree there. I think this was a
12 unique opportunity or position, just because of
13 Mr. Edwards' not wanting to return into law
14 enforcement. And a lot of the individuals that we
15 do seek revocation on, they're wanting to
16 immediately return into -- I mean that's the
17 bitter fight that we have is them wanting to
18 continue a career in law enforcement. And we were
19 in a different situation in this capacity.

20 MR. OLSON: This is Kevin, and once
21 again, I hear what you're saying. But when we
22 decertify somebody else, we don't give them the
23 opportunity to return in five years. Is that what
24 we're going to do going forward now? And I get
25 the cost benefit analysis -- I really do -- but

1 what I see here is everyone we decertify is going
2 to come forth and say, "I'll take a five year
3 sabbatical, and then I can return." And that's
4 the only concern I have.

5 MR. JOHNSON: This is Perry again. And
6 I don't know if John, or Tony, or Jim want to
7 speak to that at all.

8 ACTING CHAIRMAN STRANDELL: This is
9 John. I really struggled with this, too, quite
10 honestly. We had some very deep discussion in
11 committee about the stipulation.

12 But the reason I'm comfortable with it
13 is that Bob Edwards has agreed that he isn't going
14 to return to law enforcement. If he comes back
15 after five years, or tries to come back after five
16 years, he has to go back to the Basic Law
17 Enforcement Academy, he has to meet all those
18 challenges, and then the certificate would be on
19 probation for one year following that.

20 So based on that criteria, the
21 circumstances, that's what made me support this,
22 and agree to do it, and bring it forward before
23 the Council.

24 You know, the cost analysis I think is
25 an argument, but that didn't weigh as heavily as

1 what I just outlined, so -- Ryan.

2 MR. OSTER: This is Ryan. Can I just
3 ask a couple questions? So he was not, in the
4 position he had, he was not required to have a
5 basic certificate, right --

6 ACTING CHAIRMAN STRANDELL: That's
7 correct.

8 MR. OSTER: -- when this incident
9 happened. And according to the stipulation he
10 could return to that position if he was elected,
11 because he's not required to have a basic
12 certificate. So he's only agreeing not to return
13 to law enforcement in a position that would
14 require that.

15 So I guess I would just ask: Is that
16 fair to do to those other disciplines that are
17 required to have a basic certificate? I'm not
18 sure it does. I think it does raise some
19 questions, or some level of --

20 ACTING CHAIRMAN STRANDELL: This is
21 John. I guess in response to that is being on the
22 Case Status Committee all these years -- and Jim
23 and Tony, you guys can speak up, too -- but we
24 deal with each case individually, depending on the
25 circumstances, the facts, the details; and then

1 we've done that for years now.

2 The sanctions that we place on a
3 certificate is based on that individual case, and
4 we look at things like trying to be consistent
5 with the sanctions that we do, to be consistent
6 across the board. And in honesty, too, you have
7 to look at each individual case and evaluate it
8 based on the merits of that case.

9 MR. OSTER: This is Ryan. Just to
10 follow up. Then it would be that he could still
11 be serving without a basic certificate now.

12 ACTING CHAIRMAN STRANDELL: He could if
13 he was elected.

14 MR. OSTER: If he was elected, we
15 wouldn't even be having this conversation.

16 MR. JOHNSON: This is Perry. That's
17 right. That's right. And I guess just for the
18 people in the room that aren't aware of that, the
19 Sheriff is the only elected official -- actually
20 he's the only Public Safety Officer that doesn't
21 need to be certified by the Council because of
22 that electoral process.

23 So I guess the answer to that is he
24 could, you know, if there was an election
25 tomorrow, he could sign up. But I think that what

1 Kristina said is Bob doesn't have -- the way that
2 he has portrayed himself to us during those
3 conversations, he doesn't have any intention to
4 ever come back to law enforcement. And they
5 understood when this was signed that it was open
6 to discussion and approval by this Council.

7 MR. OLSON: This is Kevin. If he's got
8 no intention of coming back to law enforcement,
9 why are we doing this stipulation?

10 MR. JOHNSON: This is Perry again. The
11 reason that was presented to us was he believes
12 that it would hurt his employment opportunities in
13 the future if he were to try to go into a private
14 field, that they would look at, "Have you ever
15 been revoked or suspended?" He thinks that would
16 damage his opportunities in the future.

17 ACTING CHAIRMAN STRANDELL: Leo.

18 MR. DUTTON: This is Leo. Two parts.
19 One, as for the Sheriff, you've already pointed
20 out that POST has no authority to jump in and say
21 you can't be Sheriff. We don't have an agreement
22 with that, we only have an agreement with the POST
23 certificate. So yes, he could return for Sheriff,
24 but we have no authority, and nor should we
25 suggest that we do. So that's gone.

1 Secondly, stipulations, those kind of
2 things, I think if you looked over the past five
3 years, the Status Committee hasn't flat cut
4 everybody. I think if you took a case history --
5 this may be different -- but I think sometimes we
6 don't see them. I think that you sanction, and
7 move on, and as a board, we hear you sanctioned
8 and moved on.

9 This one had notoriety to it, so we knew
10 about it, and we're supposed to be objectively
11 blind to it for the actual facts of the case, but
12 we knew about it. I think this fits very well
13 with what we've been asked by the disciplines to
14 not automatically chop.

15 Now, Kevin is right. Are we going to do
16 this? I think that opportunity -- I think that
17 opportunity to request audience with the Status
18 Committee or the board is there now to negotiate,
19 and there are several cases that went beyond us.
20 So this isn't new really. This is the opportunity
21 to appeal, and to come up with something that's
22 individual.

23 So I don't see this is an aberrancy. I
24 think this is something we've done in the past.
25 But maybe I'm wrong, and I have been once.

1 ACTING CHAIRMAN STRANDELL: This is
2 John. You're absolutely correct, Leo, that
3 statement.

4 MR. HARBAUGH: John, this is Tony, and I
5 would --

6 ACTING CHAIRMAN STRANDELL: Go ahead,
7 Tony.

8 MR. HARBAUGH: I think just to make sure
9 that everyone is clear, any individual -- any
10 individual -- who has been decertified by the POST
11 Council could run for Sheriff in the next
12 election, even with a decertification.

13 And I think to go back to the details of
14 this particular case, the economics of it does
15 play a part in that, because if it's strictly
16 about decertifying the Sheriff, is that cost
17 something that became a priority.

18 And I think for those of us on the
19 Status Committee, there were a lot of things that
20 went into their consideration to reach this
21 stipulated agreement. But I just want to make
22 sure everyone is clear. Even though it's been
23 said you don't have to have that certification to
24 be a Sheriff, you can run for Sheriff even after
25 you've been decertified. So if we're attempting

1 just to prevent that, we're not going to do it
2 based on how much money we're spending for
3 fighting a case similar to this. Thank you.

4 ACTING CHAIRMAN STRANDELL: Thanks,
5 Tony. Jim.

6 MR. THOMAS: This is Jim Thomas. To
7 answer your question, Kevin, about why would
8 someone want to keep their certificate if they
9 don't plan on ever being in law enforcement again.

10 We see that a lot in the Case Status
11 Committee. They'll actually say, "Well, I have no
12 intention of ever being in law enforcement again,
13 but I want to keep my certificate." And I think
14 for them -- it appears to me anyway -- it comes
15 down a lot of times to principle, and to their
16 reputation. They don't want to go down, you know,
17 in the media or whatever, that they've been
18 decertified.

19 So a lot of times it comes to that, and
20 we see that fairly often. People say, "No, I
21 don't want to do that anymore, but yes, I want to
22 keep my certificate."

23 ACTING CHAIRMAN STRANDELL: Is there any
24 further discussion?

25 (No response)

1 ACTING CHAIRMAN STRANDELL: We have Bob
2 Edwards on the phones. Do you have any comments,
3 Bob?

4 MR. EDWARDS: I can barely hear some of
5 it. Can you hear me all right?

6 ACTING CHAIRMAN STRANDELL: Yes, go
7 ahead.

8 MR. EDWARDS: I'm trying to find gainful
9 employment, and there has been some hindrance.
10 I'm not intending to come back into law
11 enforcement, but it's a loss of a professional
12 certificate or license can hinder that, and it's
13 starting to come into play a couple times. That's
14 one reason I would like it back.

15 ACTING CHAIRMAN STRANDELL: Okay. Is
16 there any other discussion? Comments? We need a
17 formal motion?

18 MR. JOHNSON: I think you do.

19 ACTING CHAIRMAN STRANDELL: Do we have a
20 motion to move forward on this?

21 MR. DUTTON: I would make a motion that
22 we accept the stipulation.

23 ACTING CHAIRMAN STRANDELL: Do we have a
24 second?

25 MR. JARRETT: Second.

1 ACTING CHAIRMAN STRANDELL: J.J.

2 seconds. Any further discussion?

3 (No response)

4 ACTING CHAIRMAN STRANDELL: Seeing none,
5 All in favor, say aye.

6 (Response)

7 ACTING CHAIRMAN STRANDELL: Opposed.

8 (No response)

9 ACTING CHAIRMAN STRANDELL: Motion
10 passes. I think it's time to take a quick break.
11 Like ten minutes and come back.

12 MR. EDWARDS: This is Bob Edwards. If I
13 may, I didn't hear it. (Inaudible)

14 ACTING CHAIRMAN STRANDELL: It was a
15 motion passed to accept the stipulation agreement.

16 MR. EDWARDS: Thank you.

17 (Recess taken)

18 ACTING CHAIRMAN STRANDELL: We'll call
19 the meeting back to order. We'll go right into
20 old business. Mr. Johnson.

21 MR. JOHNSON: Well, this is Perry again.
22 Do we still have Tony and Tia on the phone?

23 MR. HARBAUGH: Yes. This is Tony. I'm
24 on.

25 MS. ROBBIN: Yes.

1 MR. JOHNSON: Okay. Just a side note,
2 in the six and a half years I've been doing this,
3 I think this is the first meeting we've had all 13
4 Council members participate. So I know that's a
5 long drive especially in February, but for you
6 guys that had to travel, I really appreciate it.
7 Thank you. Leo. Leo fell out of bed and rolled
8 over here.

9 So we're on sub (6) letter "A," Letter
10 of Advice. This is something that we asked the
11 Attorney General for last year. And we were
12 asking for a definition of two years. So that's
13 in your packet, so that you can see that we did
14 get a response, and that the definition of two
15 years is two years.

16 So Dan Whitted just walked out, and that
17 was the definition that we were really looking for
18 for the Coroners in Montana, because they have a
19 requirement to be trained, get 16 hours of ongoing
20 training every two years. And so we needed that
21 so that they understood.

22 MR. DUTTON: This is Leo. The question
23 really became: Was it the end of the calendar
24 year, or date to date? And that's what
25 precipitated the question of if we were certified

1 on December 4th, did it expire December 4th, or
2 did it go to the end of the month, and that's why
3 we requested that. This is Leo going back on
4 mute.

5 MR. JOHNSON: Move right along.

6 ACTING CHAIRMAN STRANDELL: Any
7 discussion on that, or further discussion?

8 (No response)

9 ACTING CHAIRMAN STRANDELL: Seeing none,
10 go ahead.

11 MR. JOHNSON: This is a letter of advice
12 on pages 112.

13 Oh, hey, wait a minute. Before we walk
14 away from that, I did provide some additional
15 information here. So historically, what Leo just
16 said was there has been a question about does two
17 years mean two years, or does it mean the end of
18 the year. Now we know it means two years. If
19 your training ended, your 16 hours ended on
20 December 4th, you need to get trained before
21 December 4th two years from now.

22 We have hosted for the last five or six
23 years that Advanced Coroner Training, Death
24 Investigation Training, and we've used the venue
25 of the Cascade County Sheriff's Office up in Great

1 Falls for that period of time to host the 16 hour
2 training.

3 The Montana Coroners Association does
4 the same thing. They host 16 hours of training
5 every year. We do, too, but they hold theirs in
6 the spring, either the end of April or the first
7 part of May.

8 We have an Administrative Rule that says
9 -- it's found on Page 108, so actually 108 has,
10 "Coroners must complete 16 hours of continuing
11 Coroner education at least once every two years."
12 That is consistent with the statute.

13 The Council will not grant extensions
14 after the expiration of the two year time limit.
15 That's an Administrative Rule, and that can be
16 waived. And the reason that I want to bring that
17 to your attention is because this year we had our
18 Death Investigation Training in Great Falls -- and
19 I'll just pull a number out of my hat -- first of
20 December. Okay. First of December.

21 Next year it might be the 7th of
22 December. So there will be that one week time
23 period that there is a lapse there. And I would
24 say that they can ask for that extension prior to
25 that, but many of them don't even recognize it.

1 They just sign up for that training.

2 So I'm wondering if that's something
3 that as we talk about Administrative Rules in the
4 future, if that's something that we can go back
5 and take a look at with our ARM Committee, if
6 there is an appetite for that with the Council.

7 ACTING CHAIRMAN STRANDELL: This is
8 John. Any discussion? Leo.

9 MR. DUTTON: This is Leo. Do you think
10 there is an opening, instead of going from date to
11 date, to the end of the calendar? Does that
12 enable procrastination, or does that help with --
13 if you took it on December 4th, and it would be to
14 the end of the date -- I mean end of December.

15 MR. JOHNSON: This is Perry. I'll just
16 refer right back to that AG Letter of Advice that
17 we got. They said it's date to date. So I think
18 that's what we have to base it on. We can't
19 change the statute, but we can change our
20 Administrative Rule that says they can ask for
21 that extension even past that date, because the
22 other ones can. The other disciplines can.

23 The Coroner one, for some reason, that's
24 in the Administrative Rule. And before I suggest
25 it to an ARM Committee, I thought the Council

1 should probably take a bite out of that.

2 ACTING CHAIRMAN STRANDELL: This is
3 John. Any concerns about doing that, or Perry
4 okay moving in that direction?

5 (No response)

6 ACTING CHAIRMAN STRANDELL: Good to go.

7 MR. JOHNSON: Okay. That will take us
8 to Page 112. This relates to Tribal Detention and
9 Corrections Officers. Our question was: Are they
10 Public Safety Officers requiring certification by
11 POST?

12 And you can see there that that second
13 to the last paragraph in that letter, well,
14 actually the last three, "A Tribal Detention
15 Officer meets none of the statutory definitions,
16 and is not a person required by law to meet the
17 qualification or training standards established by
18 the Council. Therefore, POST is not required to
19 provide certification under Montana Code Annotated
20 44-4-403."

21 This was an important distinction for us
22 because we have historically certified Tribal
23 Correction Officers or Detention Officers. And
24 when we really got to looking at the definitions
25 and statutes, we thought, "Oh, I wonder if we're

1 coloring outside the lines." So I think that we
2 have. We'll adjust our business practice now to
3 be consistent with what the statute is.

4 MR. DUTTON: This is Leo. Does this
5 preclude them from going to the Law Enforcement
6 Academy?

7 MR. JOHNSON: That wouldn't be a
8 question for the POST Council. I think that would
9 be a question for the Department of Justice and
10 the Law Enforcement Academy.

11 MR. OLSON: This is Kevin. So would the
12 same apply to Law Enforcement Officer Basic
13 certificates that we issue to Tribal Officers?

14 MR. JOHNSON: No.

15 MR. OLSON: Because correct me if I'm
16 wrong, Chief. Your officers come down and get
17 POST certified with the Law Enforcement Officer
18 Basic, but being that they're Tribal Law
19 Enforcement Officers, wouldn't this same
20 definition apply?

21 MS. BOLGER: This is Katrina. The
22 reason for the Detention Officer specifically is
23 because our statute defines a Detention Officer
24 employed by a county or a Corrections Officer
25 employed by DOC.

1 MR. OLSON: Okay.

2 MS. BOLGER: So that's sort of the
3 distinction. Our definition of a Peace Officer is
4 anybody who can make an arrest by the virtue of
5 their employment.

6 MR. OLSON: Okay.

7 ACTING CHAIRMAN STRANDELL: This is
8 John. Any further discussion on that?

9 MR. OSTER: This is Ryan. Real quick
10 then. I guess so if the Academy takes them and
11 trains them, then will we issue a certificate to
12 them, or are we just saying no?

13 MR. JOHNSON: This is Perry. I think
14 based on this decision that we have here, we don't
15 have a certification relationship with them. I
16 think we'd be outside the scope of what we're even
17 authorized to do.

18 MR. EDWARDS: This is Jess. But I do
19 think all the other Tribes, they would follow the
20 bureau policy, so would all of the bureau
21 corrections, except for the Blackfeet actually is
22 going to take over their corrections in the next
23 two years. So that kind of makes me wonder, if
24 they're going to take it over, then I don't know
25 where to send it.

1 MR. OLSON: This is Kevin. Once again,
2 I'm winding the clock back many, many years.

3 But I do know when I was at the Academy
4 that BIA did not recognize the Correction
5 Detention Officer Basic course. Those officers
6 working in the BIA facilities or facilities that
7 were being paid by BIA had to send their officers
8 to New Mexico to be trained.

9 MR. GLADE: This is Wyatt. I don't know
10 the answer to whether POST or the Academy has to
11 accept Tribal Corrections Officers, but I just
12 want to point out that all this Letter of Advice
13 says is that Tribal Detention Officers are not
14 Public Safety Officers. It doesn't say they can't
15 come to the Academy.

16 ACTING CHAIRMAN STRANDELL: This is
17 John. Any further discussion? Jim.

18 MR. THOMAS: This is Jim. Just one last
19 question. So there are Tribal Detention Officers
20 now that have POST certifications; is that right?

21 MR. JOHNSON: Yes.

22 MR. THOMAS: How does this letter change
23 our Case Status Committee if we have one of those
24 come before us for sanction, or does it change it?

25 MS. BOLGER: This is Katrina. The

1 Administrative Rule, one of our Administrative
2 Rules allows POST to recall a certificate, meaning
3 -- and we've done that before with some Pretrial
4 Service and Misdemeanor Probation Officers who
5 didn't attend a Basic that was approved by the
6 Council, and were issued a certificate that
7 basically didn't exist. And so we recalled those
8 certificates as being issued in error.

9 MR. JOHNSON: So this is Perry. I think
10 in response to your question, Jim, I think if that
11 came in front of the Case Status Committee, I
12 think we'd take a look at it and say we would just
13 recall it because it was issued in error. And
14 then whatever the allegation may be, that would
15 probably go back to the BIA or to the agency to
16 deal with. They wouldn't be a POST certified
17 Montana Public Safety Officer.

18 ACTING CHAIRMAN STRANDELL: Okay. Any
19 further discussion?

20 (No response)

21 ACTING CHAIRMAN STRANDELL: Seeing none,
22 we'll move on.

23 MR. JOHNSON: Okay. So we're at 2019
24 ARM discussion Pages 113 through 123. Then there
25 is a handout. So Kristina, you're up.

1 MS. NEAL: So this is Kristina, and I
2 just would say this is the time for your
3 discussion on the proposed 2019 ARM amendments.

4 And I would point out that the
5 amendments were published, we had a public hearing
6 on them, there was discussion, we brought in
7 public comment both orally and written. And so at
8 this point, it's really your discussion time, and
9 no further public comment could take place without
10 violating the public meeting laws and a potential
11 due process for those that spoke or provided
12 written comment within the time frames that were
13 allotted to come in to this point. So it's really
14 your opportunity for a discussion.

15 On Pages 113 through 123 are the
16 proposed amendments. And then the notice of
17 amendment, which is your handout, is what I did
18 with the help of Katrina, took all of the oral and
19 written comments that we received, and condensed
20 them, and issued a response to that, and that's
21 what's in the notice of amendment.

22 And then also based on that then, we
23 also proposed amendments that are changes to the
24 proposed amendments, and you can see those on
25 23.13.215, 23.13.702, and it has the changes to

1 the proposed amendments.

2 ACTING CHAIRMAN STRANDELL: Perry, do
3 you have anything to add?

4 MR. JOHNSON: Actually no. I'm going to
5 ask Kristina to advise them. What's their next
6 step now?

7 MS. NEAL: I believe your next step will
8 be to have discussion amongst the Council as far
9 as accepting the proposed amendments, including
10 the changes that are from the original proposal
11 and to the new matters that are in the notice of
12 amendment.

13 ACTING CHAIRMAN STRANDELL: Hearing
14 that --

15 MS. NEAL: Those options.

16 ACTING CHAIRMAN STRANDELL: -- is there
17 any discussion among the Council on this? Leo.

18 MR. DUTTON: This is Leo. In regards to
19 being the Chairman of the ARMs Committee, we have
20 met. We received these from the Business Plan
21 Committee, and went over them, looked at it. What
22 we did discuss is all of the comments that had
23 been made, and looked at your responses, looked to
24 see if they comported with how we looked at it as
25 well -- not that we're attorneys, but we do

1 represent the discipline.

2 As we looked through there, we still had
3 some changes a little bit from the Business Plan,
4 and that's why you got the handout, I believe,
5 that there were some changes in response to that.

6 I think they've been well vetted. If
7 you want to look through them and read them, go
8 ahead. But I'm just giving you the background of
9 where they have been. They have sailed quite a
10 few miles, but this is the last step. Back to
11 you, sir.

12 ACTING CHAIRMAN STRANDELL: Thanks, Leo.
13 Any further discussion by the Council?

14 MR. JOHNSON: This is Perry. I'll just
15 kind of piggyback what Leo just said. I think
16 that the ARM Committee met a couple of times, so
17 did the Business Plan Committee.

18 And I'll remind you that back in April
19 of last year, the whole Council met, we talked
20 about Administrative Rules, and we had a special
21 meeting, and we met with stakeholders, and this is
22 the product that we end up with.

23 So I think it's been pretty inclusive,
24 and I think that you ended up with a pretty good
25 product here. I think there is a lot more

1 specificity that the stakeholders were looking
2 for, and I think with the language in there is
3 more easily understood by the stakeholders. You
4 don't need to have your attorney sit next to you
5 in order to understand them. And I think it's a
6 pretty good final product.

7 MR. DUTTON: But you do.

8 MR. JOHNSON: I get to. Yeah. So --

9 MR. DUTTON: This is Leo again. I think
10 one of the biggest contentious issue was in
11 23.13.702 on Page 121, and that went through some
12 major overhaul about exactly the words, I think in
13 sub(g). If you look down in (3)(g), that seemed
14 to be the most hotly contested, that I could tell,
15 because of the comments that we got, and looking
16 at it, did the comments change it, or how did that
17 relate to it.

18 So if you want to look at that, you'll
19 see that the underlying portion is changed, but
20 still making the standard. And I think sometimes
21 what we struggled with is, okay, are we fair and
22 honest to everybody? Is everybody going to like
23 this?

24 And the answer is no, not everybody is
25 going to, because it wasn't a popularity contest.

1 But is it fair? Is it something that meets the
2 standards? And I know that we want to move the
3 tape measure of what the standards are. You've
4 heard that speech before, so I won't put you to
5 sleep with that.

6 But it's important to remember that we,
7 this body, represents standards, so if we don't do
8 our job, then who reports to the citizenry? Who
9 reports to the people? And that's how we looked
10 at it from our committee is: There is no one else
11 that stands up other than this body to the public
12 and say, "Our profession is honest." And if
13 they're not honest, then that certificate goes to
14 this body, and that's who we report to.

15 We not only report to each one of our
16 disciplines, but we report to the citizens who
17 yell foul, or that the cops good old boy system
18 exists, but it doesn't here. And that's the
19 difficulty of putting this together is, yes, it
20 seems in some places harsh, but it's a standard.
21 And that's why it's there.

22 So just a background of why some things
23 may have changed, and some things may have got
24 altered, Mr. Chair.

25 ACTING CHAIRMAN STRANDELL: Thanks, Leo.

1 MR. OSTER: This is Ryan. I just wanted
2 to just point out that 23.13.702 does include some
3 new language, just like you were talking about.
4 This is a major change, because once this goes
5 through, it now requires that an agency
6 administrator -- it's in plain language now --
7 must report certain things to POST, so that --

8 And I think that is what drove some of
9 the discussion. I don't think that discussion was
10 bad. I think that discussion was healthy, and I
11 think the product we come out with is good. I
12 know everybody put a lot of time into trying to
13 figure out how do you make it so it's not
14 ambiguous, yet not need a lawyer to discern it.

15 Not everybody is going to like it. I
16 think we all understand that. But I think this
17 did get to the point where we were at in April
18 where you had agency administrators saying, "We
19 would like -- we don't want to be required to
20 report policy violations and minor infractions,"
21 and then from there we got into the language that
22 would have required a misdemeanor speeding ticket
23 to be sent into POST to investigate.

24 I think where we ended up with, quite
25 frankly everybody might be mad, and that means

1 success. If everybody's not happy on some level,
2 then I think maybe we struck a balance where we
3 need to be. And I think this is -- We spent quite
4 a bit of time hashing over what you guys sent us,
5 and I don't know how we can make it any better at
6 this point.

7 But I just do want to -- because I know
8 as soon as this passes, you're going to have some
9 folks out there, "Why are we required to report?"
10 So I want to go on the record as their
11 representative, "You've got to pay attention
12 because this is a big change. This says you must
13 report to POST."

14 ACTING CHAIRMAN STRANDELL: Thanks.

15 MR. SAYLER: This is Matt. I just want
16 to clarify. The handout is the most current
17 version, right? Just because there is just some
18 differences. I just wanted to make sure.

19 MS. BOLGER: This Katrina. This handout
20 reflects what has to be submitted to the Secretary
21 of State's Office to say, "The Council has made a
22 final decision." So this would actually be sent
23 to DOJ rule reviewers, they would look it over,
24 and it would be submitted as an official record.

25 ACTING CHAIRMAN STRANDELL: Okay. Any

1 further discussion?

2 MR. JOHNSON: This is Perry. I'll point
3 out that earlier today we had public comment from
4 Jon Metropolis, who represents Missoula
5 Correctional Services, and he talked about there
6 has been some movement in regards to the
7 Administrative Rule, and that's on your handout
8 that's 23.13.215.

9 And he talked about that training
10 requirement at the Basic Academy level where those
11 officers must obtain firearms training; and when
12 he talked about that there was some movement on
13 the part of the Administrative Rules Committee and
14 the Business Plan Committee, that movement was the
15 striking of that final sentence there under sub(5)
16 that says, "The Officer must successfully complete
17 the firearms proficiency requirements provided in
18 this rule at least once a year."

19 So there is still a requirement at the
20 Basic Academy that they take a firearms
21 proficiency course, that they shoot a target to
22 qualify; but if they don't carry a firearm in
23 their course of duty, they don't have to qualify
24 annually. They just have to know that when they
25 are done with their Basic Academy class, they're

1 firearms proficient.

2 And some of the background on that is
3 those guys from Missoula Correction or from Lewis
4 & Clark County Court Services, they can go to
5 work, once they've got that certification, for
6 anybody that's got a pretrial service agency, and
7 they could carry a firearm. And then they would
8 need to begin that annual proficiency
9 requirement.

10 But that's how we got there. So I think
11 that was a significant change, and I think that
12 still meets the goals of the Council in regards to
13 keeping our community safe.

14 ACTING CHAIRMAN STRANDELL: Any further
15 discussion?

16 (No response)

17 ACTING CHAIRMAN STRANDELL: This is
18 John. I'd like to commend the committees for the
19 work that you did on this. This took a long time,
20 and a lot of effort, and a lot of work. Thank you
21 for your work on that, and the POST staff that
22 contributed. And so thank you.

23 So now we need a motion to approve,
24 correct?

25 MS. NEAL: That would be correct.

1 ACTING CHAIRMAN STRANDELL: Does someone
2 want to make a motion to approve this process?

3 MR. EDWARDS: I'll make a motion.

4 ACTING CHAIRMAN STRANDELL: Jess makes
5 the motion.

6 MR. THOMAS: This is Jim. I'll second.

7 ACTING CHAIRMAN STRANDELL: Jim seconds.
8 Any further discussion?

9 (No response)

10 ACTING CHAIRMAN STRANDELL: All those in
11 favor, say aye.

12 (No response)

13 ACTING CHAIRMAN STRANDELL: Opposed.

14 MR. HARBAUGH: Aye.

15 ACTING CHAIRMAN STRANDELL: That was an
16 aye, Tony?

17 MR. HARBAUGH: Yes.

18 ACTING CHAIRMAN STRANDELL: You slipped
19 in on the opposition side of that, so --

20 MR. HARBAUGH: There must be a delay
21 here. I think we've experienced that in the past.

22 MR. DUTTON: We've known that, sir.

23 ACTING CHAIRMAN STRANDELL: Tia, just
24 for the record, were in you favor or opposed?

25 MS. ROBBIN: I voted in favor.

1 ACTING CHAIRMAN STRANDELL: Okay.

2 Unanimous. Okay. Moving on to Item (e), old
3 business. Oh, I'm sorry. I skipped one, (d).

4 MR. JOHNSON: (d) Pretrial Services.
5 The material for that is found on Pages 124 to
6 142, and it begins with that syllabus that was
7 presented to the Pretrial Officer Basic class back
8 in November. Then you see some evaluation
9 material in there as well.

10 So this is an item just for the Council
11 to be aware of what that looked like, and have any
12 further discussion that you might want.

13 ACTING CHAIRMAN STRANDELL: This is
14 John. Based on this, is there any discussion by
15 members?

16 (No response)

17 ACTING CHAIRMAN STRANDELL: Seeing none,
18 we'll move on to the next. Now we go to (e).

19 MR. JOHNSON: This is the Ross
20 Drishinski District Court petition, Pages 143 to
21 149. I think I'll ask Kristina to speak to this.

22 MS. NEAL: So this was pursuant to our
23 last POST Council meeting. I filed a petition for
24 judicial review. Mr. Drishinski was -- The POST
25 Council voted to revoke his certification, and

1 went before the Board of Crime Control, which
2 overruled the POST Council's decision; and then we
3 filed this petition in District Court seeking
4 judicial review of the Board of Crime Control's
5 decision.

6 At this point we're still pending
7 decision -- not necessarily a decision -- but a
8 ruling from the District Court setting forth a
9 briefing schedule, and so really all that's
10 happened on this matter in District Court, is that
11 we filed the petition, and waiting for the
12 District Court to issue a briefing schedule.

13 We really haven't pushed the District
14 Court to issue that briefing schedule because we
15 also have -- and you'll see it later in the agenda
16 -- Kyle Adams, which has been fully briefed with
17 similar issues before another District Court Judge
18 within Lewis & Clark County, and we're kind of
19 waiting to see what that ruling is to help provide
20 guidance in the Drishinski matter as well then.

21 ACTING CHAIRMAN STRANDELL: This is
22 John. Any questions on that?

23 MR. JARRETT: Kristina, this is Jason.
24 What is your best guess assessment of the merits
25 as it goes forward right now, or your best guess?

1 MS. NEAL: So my best guess is I think
2 there is some true merit to the argument with
3 regard to the Board of Crime Control. What I
4 think what would happen is it may go back for
5 additional briefing.

6 And what I imagine Mr. Drishinski will
7 say is that then the POST Council decision is
8 wrong, and ask the District Court to fully review
9 the POST Council decision, is the direction I
10 foresee this case potentially going, and the
11 briefing in this case then.

12 MR. JARRETT: John, this is Jason. Do
13 you predict that we're going to need to try to do
14 some legislative action coming up on this, to get
15 Board of Crime Control, really define that
16 relationship, and who has that authority
17 eventually, or might the Courts take this?

18 ACTING CHAIRMAN STRANDELL: This is
19 John. I'll let Perry address that, because we did
20 introduce legislation at the last session on that
21 issue.

22 MS. NEAL: This is Kristina, and I'll
23 let Perry address it as well, but it is my
24 understanding that POST does have proposed
25 legislation specifically with regard to the Board

1 of Crime Control's involvement in the appeal
2 process for POST.

3 MR. JOHNSON: This is Perry. When we
4 get to New Business, J.J., we'll have a
5 conversation about that historical effort to get
6 that legislation. I've had conversations with --
7 Oh, Bryan stepped out of the room -- with Bryan
8 Lockerby also in regards to where DOJ might come
9 down in regards to that, whether they support it
10 or not. It wasn't opposed last time, that
11 legislative attempt, but I think it's still a
12 valid concern.

13 MR. GLADE: This is Wyatt. A question
14 for Kristina. It looks like the issue -- and I
15 think you mentioned this, but just for everybody's
16 guidance -- has been raised and briefed in the
17 Thad White case?

18 MS. NEAL: This is Kristina. It has
19 been raised in the Thad White case. The Thad
20 White case is somewhat different, in that Mr.
21 White is actually appealing the Board of Crime
22 Control's decision.

23 His case, though, I think it even
24 highlights kind of the messiness of this issue.
25 He has listed the Board of Crime Control as the

1 Respondent in his case because it was the final
2 agency decision; and in Mr. White's case, which is
3 coming up, POST filed a motion to intervene, and
4 he has objected to POST even being into his
5 matter, and we're pending a decision in that
6 matter.

7 So it is the Board of Crime Control
8 that's defending the Thad White decision. In the
9 Kyle Adams case, which is further down in the
10 agenda, that has been fully briefed in front of a
11 District Court Judge here in Helena that we're
12 waiting a decision on as well then.

13 MR. GLADE: This is Wyatt. Is that the
14 case where they raised the separation of powers
15 argument in the Kyle Adams case?

16 MS. NEAL: This is Kristina. Yes. It
17 would be the Kyle Adams matter that's pending
18 before Judge Reynolds at this point in time.

19 MR. GLADE: This is Wyatt again. While
20 we're talking about this, I am the representative
21 for the Board of Crime Control, and I also am the
22 Custer County Attorney.

23 There is an interim study related to the
24 Board of Crime Control, and this is an issue that
25 probably ought to be brought to the attention of

1 that study, if it hasn't already.

2 MR. JOHNSON: This is Perry. Just in
3 response to that, several months ago I spoke with
4 Peter Ohman, the Chair of the Board of Crime
5 Control, and he raised this issue with me. He
6 said it didn't make sense to him that we were
7 still in this situation. So I don't know if
8 that's something that he intends to bring to that
9 study group, or would you suggest that this is
10 something that you could bring to them then,
11 Wyatt, or --

12 MR. GLADE: I certainly could. I am not
13 on the study commission. The County Attorneys are
14 represented on that Commission, I believe, or at
15 least are attending the meetings.

16 What I could do is bring it to the
17 attention of the Board of Crime Control, if you
18 would like me to do that, and make sure that it is
19 discussed; but also encourage POST to send a
20 representative to those meetings.

21 MR. JOHNSON: This is Perry again then.
22 This one ear is a little sensitive. Were you
23 suggesting that you'd volunteer for that?

24 MR. GLADE: I think that's what I did.

25 MR. JOHNSON: That's what this ear

1 thought.

2 ACTING CHAIRMAN STRANDELL: Got his
3 attention. He's even writing a note. Since we've
4 got that handled, Wyatt, thank you. Any further
5 discussion?

6 (No response)

7 ACTING CHAIRMAN STRANDELL: We're going
8 to move on to -- I don't know. We've already
9 talked about Thad White.

10 MR. JOHNSON: This is Perry again. I
11 think that we started to capture some of that.
12 I'd ask again for Kristina to just go ahead and
13 capture those, Thad White and Kyle Adams, because
14 all of these are kind of part and parcel of the
15 business that we've been involved in with the
16 Board of Crime Control and the Court. So --

17 MS. NEAL: So Mr. White -- This is
18 Kristina. Mr. White's case went before a Hearings
19 Examiner. The Hearings Examiner issued finding of
20 fact and conclusions of law that recommended
21 revocation of Mr. White's certification. It went
22 before the hearing before this full Council, who
23 unanimously recommended the same.

24 It went before the Appeals Committee of
25 the Board of Crime Control, and then it went to

1 the full Board of Crime Control, with all of, each
2 entity recommending revocation for Mr. White.

3 Mr. White then appealed the Board of
4 Crime Control's final decision. And you'll notice
5 it's in Hill County versus Lewis & Clark County
6 because that's where Mr. White resides, and so
7 either location can be -- because it can either be
8 the location of the Board of Crime Control or Mr.
9 White. And he has chosen to file in Hill County.

10 And he listed the Montana Board of Crime
11 Control as the Respondent in the matter because
12 the Board of Crime Control was the entity that had
13 the final decision.

14 POST has filed a motion to intervene,
15 because it's obviously the POST certification
16 that's affected. And Mr. White has objected to
17 POST intervening in the matter, and we're still
18 pending a decision from the District Court Judge.

19 So the Board of Crime Control has filed
20 a response to Mr. White's petition. And the Court
21 is still, that's still pending before the District
22 Court as well.

23 His situation is a little bit, even a
24 little bit messier in that Mr. White was an
25 employee of the Department of Corrections, and

1 since the Department of Corrections -- Board of
2 Crime Control is now under the Department of
3 Corrections, Agency Legal Services had to come in
4 to represent the Board of Crime Control in this
5 particular situation.

6 And so right now, those are the
7 attorneys that are activity involved in this
8 particular matter.

9 UNKNOWN SPEAKER: That's a lot of
10 attorneys.

11 MS. NEAL: There is a lot of attorneys
12 in this case. Yes.

13 And I'll just go on. Mr. Adams is
14 similar. Mr. Adams is actually the appeal from
15 POST. Mr. Adams, we were successful before the
16 Hearings Examiner on findings of fact and
17 conclusions of law, recommending his revocation of
18 his certification. It went before the full
19 Council, who voted to adopt the Hearings Examiner.

20 Then it went before the Board of Crime
21 Control, who recommended that Mr. White's
22 certification be provided back to him. POST filed
23 a petition before the District Court, and that has
24 been fully briefed -- I think it's in your packet
25 -- and it's in front of Judge Reynolds here in

1 Lewis & Clark County. And really it has been --
2 when I filed my reply brief sometime late summer,
3 and has been pending before Judge Reynolds since
4 then. So we're really awaiting a decision in the
5 Kyle Adams matter.

6 ACTING CHAIRMAN STRANDELL: Okay. Thank
7 you. Any questions or discussion?

8 (No response)

9 ACTING CHAIRMAN STRANDELL: Seeing none,
10 we'll move on to Interim Law and Justice
11 Committee.

12 MR. JOHNSON: This is Perry. You'll
13 find that material about the Interim Law and
14 Justice Committee, memos from Bryan Lockerby to
15 that committee on Pages 221, 222, 223 and 224. So
16 Bryan doesn't testify usually. He provides a
17 written comment to them to put into their record.

18 On Page 225, you'll see under 2152029,
19 the temporary report to the Law and Justice
20 Interim Committee Statute. Under sub (3) of that
21 statute it states, "The Department of Justice and
22 the Public Safety Officer Standards and Training
23 Council shall report to the Law and Justice
24 Interim Committee."

25 So that provides for an opportunity for

1 the POST Council to have a representative to speak
2 to that committee, or to provide a written comment
3 to them during each of their meetings if you wish.

4 Bryan has availed himself of that
5 opportunity. And so this is kind of a weird spot
6 for me to be in -- right -- because I work for the
7 Department of Justice now, and I provide support
8 to the Council, but I'm a Department of Justice
9 staff member now.

10 So it would feel funny for me to be
11 charged with the responsibility to testify in
12 front of that committee on behalf of the Council,
13 and it just seems to me it would be more
14 appropriate to have a Council member make a report
15 if there is anything that you feel is necessary to
16 report to that committee.

17 MR. JARRETT: Perry, this is Jason.
18 What's your assessment of how it's going so far?
19 Or are you throwing one of us under the bus?

20 MR. JOHNSON: I think that we have
21 identified some issues, but we identified those
22 during the course of that legislative process as
23 well.

24 And so I guess the thing that I would
25 bring to you -- and I wish Bryan was still in the

1 room, because this conversation really relates to
2 not only the POST Council, but to the Department
3 of Justice. Right?

4 My testimony, when I still was the
5 Executive Director of the POST Council, in front
6 of the Legislature was I think it's appropriate
7 for this body to be independent and autonomous --
8 I think it is -- because 12 percent of all of our
9 Public Safety Officers are Department of Justice
10 staff members.

11 And when we talked about how it got
12 messy with the Department of Corrections because
13 we took an action, and now the Board of Crime
14 Control under the Department of Corrections has
15 had to go out and get different Counsel. I think
16 I can see that coming.

17 And in fact, part of our conversation
18 later is going to be: We're going to looking for
19 different Legal Counsel, because Kristina is going
20 to invest more into her family and less into us.
21 Right? So she represents the Council; and now in
22 this capacity, I have to represent the Department
23 of Justice.

24 So what we have seen already is we've
25 had conversations with guys that have had

1 allegations of misconduct against them where
2 they've looked at me and said, "Well --" and I'm
3 not making this up. I hate to even have to say
4 that, but -- "Well, you're buddies with Bryan
5 Lockerby, and he don't like me."

6 Well, I don't know what that has to do
7 with anything, you know, because really the Case
8 Status Committee is still intact. Nothing has
9 changed there. But there is a perception out
10 there, I think, that could be difficult to
11 overcome; and I guess I would go so far as to say
12 it's difficult for me to overcome.

13 I still think that the appropriate
14 configuration of the Council was the way that it
15 was before. That's just what I think. When you
16 ask me how is it going, I think considering that
17 transition, I think it's been successful. We've
18 really worked hard to move in the right direction.
19 We are working hard.

20 I think the Case Status Committee that
21 meets the most frequently, they recognize that. I
22 think the proof's in the pudding. We've met more
23 frequently with our Business Plan Committee and
24 our Administrative Rule Committee.

25 So I think we're trying to maintain that

1 real solid relationship in regards to DOJ and the
2 Board of Crime Control. But when you ask, you
3 know, where does this go. Because the sunset's in
4 here, you know, June 30th of 2021, this statute
5 goes away, and then they're going to have that
6 conversation next year starting in January about
7 what we're going to do with it.

8 That's going to come back to you guys.
9 What do you think? How is it working? I'll be
10 honest with you. If any of you said, "I notice
11 any difference," I'd be surprised -- I really
12 would -- because I think that consistently we've
13 continued to meet.

14 October was our first meeting after that
15 legislation. It's February now. Mary Ann's still
16 baking. We still put a pot of coffee on. We
17 still talk about your business. But I don't know.
18 I guess -- John is part of the Department of
19 Justice, so John has always been part of that
20 examination of any record of an allegation from
21 the Department of Justice.

22 But I think that -- John can speak for
23 himself. I think he was able to wear the hat of
24 the POST Council Chair of that committee, and be
25 very effective and impartial and fair. But I

1 guess I have a hard time taking that old Sheriff's
2 hat off, saying, "How come the Department of
3 Justice is making those decisions instead of you
4 guys, that represent all of the elements of the
5 public safety community?"

6 That was a long diatribe there that
7 probably got you nothing, J.J. That will teach
8 you.

9 ACTING CHAIRMAN STRANDELL: This is
10 John. I'll just say one thing, I guess, that the
11 main reason, in my mind, my opinion, the main
12 reason that we were transferred under DOJ was
13 finances, but there was concern there by some
14 subcommittee members about the amount of money we
15 were asking for, the needs that Perry had
16 presented in his budget, and the subcommittee took
17 it on as a way that DOJ hopefully can help with
18 that.

19 Whether that's been the case or not, I
20 don't know. I'm not involved in the day-to-day
21 stuff because I try to stay away from that. But I
22 do agree with Perry. I think the transition went
23 well. I know Administrator Lockerby is very
24 careful not to interfere with any practice or
25 decisions that we have to make as a Council.

1 He's very sensitive to that, and make
2 sure that he doesn't intervene or make decisions,
3 I think, dealing with Perry that may transform
4 into something at the Council level, because he
5 does recognize, and him and I have had that
6 discussion, that the Council needs to be
7 independent, they need to be objective, they need
8 to make decisions on their own, and then we don't
9 need DOJ directing that.

10 And I know that Administrator Lockerby
11 has been very sensitive to that in dealing with
12 that issue, and making sure that the Council --

13 I can say this: He's never approached
14 me, or done anything with me in my capacity --
15 because he's my boss, he's my direct supervisor --
16 that has made me be concerned about my role here
17 on the POST Council. He's been very careful with
18 that. And so that's my two cents.

19 But I do agree with Perry that I think
20 there is some perception issues out there. I've
21 heard of that, especially when we're dealing with
22 DOJ employees that come before Case Status, come
23 before the Council. You know, the question has
24 been, "How can you be objective if you're being
25 managed by the Department of Justice?" And that's

1 just something that we have to deal with each time
2 before Status Committee.

3 And what I do is if I feel like I can't
4 be objective on a certain circumstance, then I
5 recuse myself, and I leave it up to Jim and Tony
6 then to weigh in, and support Perry on what he
7 needs to do.

8 MR. JARRETT: Perry, Jason, just to
9 follow up. I'm sorry.

10 UNKNOWN SPEAKER: Go ahead.

11 MR. JARRETT: In the transition, having
12 a big dad now, is there significant economy to
13 having that be a part of DOJ, or is that just more
14 administrative work, and more meetings, and
15 more --

16 MR. JOHNSON: Yes. You know --

17 MR. JARRETT: -- copy paper?

18 MR. JOHNSON: That question I think
19 comes from being in Administration for a long
20 time, because going into, leaving an agency with
21 three staff members, and going into an agency
22 that's got 800 or 900, that's completely
23 different.

24 And in regards to that transition, and
25 that additional bureaucracy, there has been

1 absolutely no savings. But I'll qualify it by
2 saying this: We're looking at some options right
3 now that may provide some of that. There is other
4 staff that may be available through the Department
5 of Justice to enable us to do some things that
6 we're struggling with now. And for example,
7 scanning, processing daily paperwork.

8 And you know, people in the room would
9 probably be surprised, but Mary Ann would stand
10 right up now, and put her hand on a Bible, and
11 raise her hand and say, "We process notice of
12 terminations, notice of appointments every week,
13 and some weeks there might be a 100. Some days
14 there might be 50." And that never goes away.
15 That's how dynamic the public safety population is
16 in Montana. So we can look at that.

17 The other part of it is: I'll look at
18 you and say this: I didn't want any changes to
19 begin with. I didn't. They stepped up and said,
20 "What can we do to help you?," and I said, "You
21 know, right now we've got a three member staff
22 that's been together for six years, and before we
23 start feeding any of that away, we're going to
24 really carefully evaluate what goes away from this
25 office into somebody else's hands," because it's

1 taken so long to get our processes, so that the
2 things that go into a transcript are accurate.

3 Because seven years ago, eight years
4 ago, they weren't, or they weren't happening at
5 all. And I know that because it didn't happen for
6 me. So if there has been a check rein on this at
7 all, I guess it's been me checking and saying,
8 "Hey, before we do that, I want to make sure that
9 if we're going to farm some of our work product
10 out, that it's going to be accurate when we get it
11 back."

12 And we're having those conversations
13 right along. Part of it actually even involves
14 this conversation about attorneys. There may be
15 some opportunity there to job share an attorney
16 with another division of the Department of
17 Justice, and that's kind of an exciting idea for
18 us. I think we would still need independent
19 Counsel, but I think it's something that we can
20 wrap our arms around, and I think that would be a
21 benefit to us. So again --

22 MR. OSTER: This is Ryan. I would just
23 -- I guess to bring this around to where we
24 started, I get the fact you that you can't make
25 that report to the Interim Committee. I would

1 just say this, and for your sensitive ear, I
2 watched what happened to Mr. Glade here. I'm not
3 volunteering for anything here.

4 But in January, we're going to go into a
5 legislative session, and if this interim committee
6 hasn't heard of any problems, then there are no
7 problems -- right -- or no reason to make any
8 changes.

9 So I mean I guess if the Council wants
10 to voice those concerns, if there are concerns, or
11 our desire to move it back the way it was or -- I
12 mean I think we all understand you don't unring a
13 bell very easily, but that that somebody -- and
14 again, I would think it would fall to the POST
15 Chairman -- to make a report, but if there is
16 something to report, it needs to get reported.
17 Otherwise if they don't hear from this group for
18 two years, you can't blame them for saying there
19 is no problems.

20 MS. BOLGER: This is Katrina. I have a
21 question for Kristina. In this Subsection (3),
22 does the Council have the option not to report?
23 Because it says "shall."

24 MS. NEAL: This is Kristina. And the
25 way that I would read that would be some minimal

1 reporting, whether it's a written report or
2 something that's fairly minimal at least, has to
3 occur from the Council. So I would agree with
4 you, Katrina.

5 MR. JOHNSON: This is Perry. I would
6 recommend then we hold a meeting prior to each Law
7 and Justice Interim Committee meeting with the
8 Business Plan Committee, and provide information
9 that we have that you guys don't, that would allow
10 you to put together a brief narrative like this to
11 put into the record with the Law and Justice
12 Interim Committee.

13 ACTING CHAIRMAN STRANDELL: This is
14 John. I would agree with that. I think that's a
15 good idea.

16 MR. OSTER: This is Ryan. So we would
17 be asking one committee to speak for the Council
18 then?

19 ACTING CHAIRMAN STRANDELL: Well, I
20 think it would -- this is John. I think it would
21 be a good idea to have it go through the Chairman
22 reporting on the committee's findings or
23 information.

24 MR. OSTER: I'm trying to get you off
25 the hook here, believe me, because I saw you

1 physically recoil in your seat there.

2 ACTING CHAIRMAN STRANDELL: Tony, are
3 you hearing the discussion here?

4 MR. HARBAUGH: Yes. I don't remember
5 the term that was used about the ears, but I would
6 tentatively -- and I think I'll use the term
7 "volunteer" very carefully -- I would tentatively
8 volunteer to be part of that, to work in
9 conjunction, not only with the Committee, but with
10 Chief Johnson as well to help relay that report to
11 the Interim Committee.

12 Obviously I'm at the other end of the
13 state, and if I can make it work, I'll absolutely
14 be there.

15 ACTING CHAIRMAN STRANDELL: For the
16 record, I'd volunteer to help with that process.

17 MR. JOHNSON: Okay. This is Perry again
18 then. I always look at Kevin Olson because he's
19 been around this process for so long. Are we
20 missing anything here?

21 MR. OLSON: This is Kevin. No. I think
22 I agree with Katrina. The plain meaning of the
23 statute is that you shall report. The substance
24 of what that report looks like is really going to
25 be the issue. And I don't have a crystal ball or

1 anything, but really I agree with Ryan. You know,
2 it could be a heavy lift to unring the bell.

3 I agree with John that from the
4 information I have, the decision to put POST with
5 DOJ was a financial thing. And for what it's
6 worth, historically the same thing happened with
7 Board of Crime Control. There was this
8 presumption that there was a savings or something
9 to put Board of Crime Control with DOC.

10 So as you talk about your reports, other
11 than we don't like it -- The report can't just
12 say, "We don't like it," you know. The report can
13 say, "We could in essence encounter some
14 conflicts," like we did with Thad White. I mean
15 those are things that could be mentioned in the
16 report. But other than "We don't like it," I
17 don't think my experience with the Legislature is
18 that's not the strategy you want to take before
19 these committees. You want to talk about
20 anticipated issues, but --

21 ACTING CHAIRMAN STRANDELL: Leo.

22 MR. DUTTON: Just for my edification and
23 background, this started because we were -- when I
24 say "we," Perry and staff -- were asked to do more
25 work than personnel that they had, and we were

1 looking at how to fix that. So one of the fixes
2 that we all agreed was to submit a budget that was
3 almost twice the size, in hopes that we would get
4 that and to complete the work.

5 Now, the question, if I was sitting at a
6 legislative committee, as a Representative or
7 Senator, or whatever they are, I would say, "You
8 put in a budget request to get all this work done.
9 Are you getting it done currently with the staff
10 you have? Has there been any impedance to the
11 people that you serve? And the people that said
12 they were going to help, have they? So have you
13 got the extra staff from Justice to complete the
14 work that we needed to do?" And I know you're
15 really busy, but I think that's something that
16 needs to be brought up.

17 Because that was, when it boiled down to
18 finance, because we put in -- I say "we" -- the
19 POST Council put in the budget that we needed more
20 money, that threw up the flag of ice fishing that
21 they had something on the line; and then instead
22 of giving you more money, looked to combine it
23 with something else to maybe lessen the impact.

24 I don't know all the background, but
25 that's just how I'm looking at it. But I think we

1 really need to make the point of: "No, we haven't
2 been able to do all the things that we wanted to
3 do. That's why we submitted the budget," not
4 insulting anyone of them.

5 But here's the issue about bringing
6 people over quality, because once you send
7 something out that's got errors on it, it takes
8 more effort to fix it than it would have been to
9 do it right the first time.

10 I think those things that we can bring
11 up. What are we still lagging on? Bill Dial used
12 to say we were treading with our nose barely above
13 water. Some of us that's more room than others.
14 But for the most part, we were in kind of dire
15 finance, or dire straits with our labor force that
16 we had. I think they need to hear that.

17 If that's the case now, you guys have
18 been pretty quiet about it, and just doing the
19 work, and we don't see you. But that's something
20 they need to hear about. Is it working?
21 Otherwise, like Ryan said, "Hallelujah. We fixed
22 it." Back to you, sir.

23 ACTING CHAIRMAN STRANDELL: This is John
24 again. I think the consensus here would be then
25 to go through Business Committee, and I'll

1 volunteer to help with that. And I think we need
2 to have a report ready to go for the next session
3 that goes before this Law and Justice Committee,
4 and I think we need to identify some of the
5 problem areas that we've experienced.

6 Leo's outline I think is great. You
7 know, has Department of Justice assisted with
8 meeting some of the shortfalls and shortcomings,
9 with some of the process and the workload that you
10 guys have experienced.

11 So I think with that, we can just agree.
12 Is everybody in consensus to do that? And then
13 move on, and maybe we can even meet prior, because
14 our next meeting, POST Council meeting will be in
15 the summer, fall?

16 UNKNOWN SPEAKER: June, I believe.

17 MS. KEUNE: In May.

18 ACTING CHAIRMAN STRANDELL: Maybe we
19 could even --

20 MS. BOLGER: -- (inaudible) -- my
21 daughter's birthday is on Friday. We usually meet
22 on Wednesday.

23 ACTING CHAIRMAN STRANDELL: So do you
24 think -- That's what I would propose is maybe have
25 a draft report with some ideas and areas that we

1 need to talk about ready for the next Council
2 meeting for review, or is that too quick?

3 MR. JOHNSON: This is Perry. I don't
4 think it's too quick, but I think we're going to
5 have to take a look at that schedule for that Law
6 and Justice Interim Committee, if we're going to
7 report every time. Then prior to that, maybe I
8 could get together with Kimberly, and at least put
9 together at least a draft. And it could just be a
10 short telephone meeting, because they always are,
11 right?

12 -- (inaudible) --

13 ACTING CHAIRMAN STRANDELL: I think it's
14 important that we have some type of report before
15 that committee prior to the next session, because
16 if we only report at the next session, whatever
17 the circumstance would be, I think that is going
18 to cause concern. So I think we need to be
19 preemptive on that.

20 MR. JOHNSON: Okay. I'll keep in touch
21 with you then.

22 ACTING CHAIRMAN STRANDELL: I would
23 recommend we take another quick break if we can,
24 ten minutes. I'm kind of an hour on the hour
25 break type guy.

1 UNKNOWN SPEAKER: Very predictable.

2 (Recess taken)

3 ACTING CHAIRMAN STRANDELL: We'll get
4 started again. Tony, Tia, you guys still on the
5 line?

6 MS. ROBBIN: I'm here.

7 MR. HARBAUGH: I'm here.

8 ACTING CHAIRMAN STRANDELL: All right.

9 UNKNOWN SPEAKER: Leo, it's time.

10 MR. DUTTON: Thank you.

11 ACTING CHAIRMAN STRANDELL: We'll go
12 right into new business; is that correct?

13 MR. JOHNSON: Yes.

14 ACTING CHAIRMAN STRANDELL: Committee
15 reports, Curriculum, Kevin.

16 MR. OLSON: I have no report.

17 ACTING CHAIRMAN STRANDELL: ARM, Leo.
18 Do you have a report on your ARM Committee? I
19 thought we already discussed that.

20 MR. DUTTON: Didn't we kind of discuss
21 most of that?

22 ACTING CHAIRMAN STRANDELL: I think so.

23 MR. DUTTON: No, we didn't. All right.
24 Well, I'm working on my report right now as I sit.
25 What page are we on?

1 MR. JOHNSON: 227. This is Perry.

2 MR. DUTTON: All right. Direct your
3 attention to Page 227. Seems how Perry's
4 sensitive ear might have a better recollection, I
5 do have some, but go ahead, Perry.

6 MR. JOHNSON: This is Perry. I think
7 this is the point where we might ask Amanda Cahill
8 from the American Heart Association to participate
9 with our Council. We got consideration from the
10 Chairman prior to this.

11 So Pages 227, 228, and 229, we're
12 talking about ARMs now. We just completed and
13 approved ARMs from 2019. That's what our business
14 was this morning.

15 The business now in front of you is for
16 the next opportunity to take a look at a different
17 set of amendments to our ARMs. And you know, it
18 seems like in the last six years, we've never been
19 done looking at Administrative Rules, because I
20 think Administrative Rules really need to reflect
21 what this profession does.

22 So with that, I guess I would either
23 give it to Kimberly or give it to Amanda,
24 whichever one of them would want to speak to this.

25 MS. BURDICK: This is Kimberly Burdick,

1 public member. I guess by way of introduction,
2 Amanda Cahill with the American Heart Association.

3 Amanda reached out to me and Perry at
4 least I think a year ago, a couple of years ago,
5 in regards to proposing legislation at that time,
6 and it ended up morphing into adding ARMs instead
7 for a telecommunicator CPR for dispatchers. So
8 with that brief introduction, Amanda has agreed to
9 describe or explain what we are trying to do, and
10 what we are proposing.

11 MS. CAHILL: Thanks, Kimberly. I hope
12 the Council can hear me. Again, I'm Amanda
13 Cahill. I work for the American Heart
14 Association, American -- (inaudible) --
15 Association, which is a non-profit, non-partisan
16 organization, whose mission is to be a relentless
17 force in the world, of long healthier lives.

18 So with that, and that's why I'm here
19 today. As Kimberly mentioned, we've been working
20 on this for about 18 months. This is something
21 that's happening in a lot of states through both
22 legislation and administrative rules.

23 So really the overall goal and thought
24 behind this is it shouldn't matter where you are.
25 If you call 911, and you need to be given

1 direction on how to do CPR, that 911 dispatcher
2 should be trained in how to tell you to do that.

3 When I explain this to people,
4 especially in kind of the civilian world outside
5 of law enforcement or medical care, they can't
6 believe that that doesn't already exist, and I
7 know for a lot of PSAPs it does exist, and they do
8 have that training. But for those that don't,
9 this becomes a really important piece of training.

10 And so as all of you know, that the
11 first step in saving a life is oftentimes five
12 standard CPR, so getting that, if that's a
13 neighbor or loved one, parent, double or even
14 triples in some studies your chance of survival.
15 So that's the why, right?

16 And then really I know that it's very
17 interesting to this Council how, and so that's
18 really what we have spent kind of the last year
19 reviewing, both at the American Heart Association,
20 and then as Kimberly was -- APCO, working with the
21 American College of Emergency Physicians, and
22 there is really a lot of great, no cost training
23 out there, that fit the bill of what is laid out
24 in this ARM.

25 So there is some online trainings that

1 take between 90 minutes to two-and-a-half hours
2 that have all of the components laid out in their
3 requirements. They could be done. And then you
4 can also print a certificate of completion.

5 Arizona State Heart Safe, work together,
6 and we have those kind of laid out, so they could
7 be placed on the EMS division website, which we've
8 talked to them about, and they're very support of
9 could also be placed, or the APCO website, or
10 wherever folks would look from PSAPs to go ahead
11 and point their staff to these trainings.

12 So really I don't think it's a big list.
13 I know that there are EO's putting in any
14 requirements, have a lot of questions, and issues,
15 and that's why I'm here today, to answer questions
16 and talk through anything else that there might be
17 concern with.

18 MR. SAYLER: This is Matt. I know I
19 asked this before, but did we ever get anything
20 for certain on whether or not dispatchers are
21 covered under Good Samaritan?

22 MS. CAHILL: That's a good question. So
23 it doesn't look like dispatchers are covered under
24 Good Samaritan now, how I have read the law and
25 asked our legal team to review it. So it would be

1 the same as any other call essentially now that a
2 911 dispatcher or a PSAP is taking.

3 But what we do see, we haven't seen any
4 case law across the country of a dispatcher who
5 provided the instruction and was unsued. What we
6 are seeing crop up a lot is they didn't provide
7 the instruction, and they were sued, or the PSAP
8 was sued.

9 MR. SAYLER: So is it something that
10 we're going to look through legislative action to
11 have them added to the Good Samaritan?

12 MS. CAHILL: You know, that is tort
13 reform. That's like a major legislative
14 undertaking with a two-thirds majority
15 requirement. So that wouldn't be something
16 American Heart Association would work through, but
17 I would sure support and testify if that were the
18 pleasure of this Council to work on -- (inaudible)
19 --

20 MR. SAYLER: I guess just to kind of
21 follow up with that, I think it would be tough to
22 require them to do something that they're not
23 protected while doing, is my concern.

24 MS. CAHILL: Right now, if they take EMD
25 -- which all new people have to take EMD is my

1 understanding -- they are receiving this training,
2 but it's not being implemented.

3 So I think that requiring them to
4 actually have the training to provide the good
5 service is more protective than not providing the
6 training, having some who are not getting CPR
7 instruction, I think that's actually where your
8 liability is the strongest and most worrisome,
9 because that's what we're seeing in other states,
10 is people then, you know, are pushing this
11 legislation because they were sued, and because
12 they weren't requiring the training. That's where
13 their liability issue actually came in.

14 MR. OLSON: This is Kevin. They'd still
15 be covered under qualified immunity, so --

16 MR. SAYLER: That was kind of my
17 question, because in reading it, this more
18 specifically says like peace officer, volunteer
19 fire, EMT, ambulance operator. So that's why I
20 was concerned would they fit into that structure.

21 MR. OLSON: I defer to the attorneys
22 sitting around the table, but I believe they would
23 still be, unless they were acting so grossly out
24 of scope, then they could subject themselves to
25 personal liability; but other than that, they

1 would be subjected to qualified immunity, just
2 like a Law Enforcement Officer or a Correction
3 Detention Officer.

4 MR. OSTER: This is Ryan. But by
5 putting it into the ARM, you're directly putting
6 that as part of their scope of their employment,
7 right?

8 MR. THOMAS: This is Jim. How many of
9 our PSAP's don't do EMD?

10 MS. BURDICK: That I do not know. I
11 think that over half of the PSAPs in the state
12 currently have EMD implemented, or they're in the
13 process of implementing it. I think the numbers
14 continue to go up, and I believe that they will
15 continue to go up, but of course I don't think
16 we're ever going to get to 100 percent. I'd be
17 surprised if we did. It would be great if we did.
18 But I think with each Academy class, I think those
19 odds increase.

20 ACTING CHAIRMAN STRANDELL: Leo. I'm
21 sorry.

22 MR. DUTTON: I see this as a similarity
23 of the probation or the pretrial. One, I think
24 you're starting this as a tiered system, where
25 we're going to teach it in the Basic Academy -- is

1 that right -- that we hope to teach EMD in the
2 Basic Academy. Just like the pretrial, we're
3 going to teach them to shoot, but it's your own
4 agency that says you either implement it or you
5 don't.

6 So we accept no liability. We're
7 teaching you as a basic. We're trying to say we
8 want to -- I'll use the word -- promulgate this
9 opportunity throughout the state, so that when you
10 get this, this is where you're going to be trained
11 in this. Now it's up to your individual agency
12 whether they want to continue that. That was the
13 first part of my thought.

14 The second part is: Whoever teaches
15 this at the Academy, are we going to help them
16 maintain, or can we swing a deal with some kind of
17 company that does this, that pays to train the
18 trainer, the instructor. They shouldn't --
19 (inaudible) -- of their own when they go through
20 the CPR training, or some agency or somebody going
21 to come in and take that component?

22 MS. BURDICK: Kimberly Burdick again.
23 So as far as the Academy goes, there is a train
24 the trainer component outside of the Academy. So
25 they do have an EMD program that is taught in the

1 Academy, but that program they do, and they will
2 go to agencies, and they will give a train the
3 trainer, so they can teach their people in their
4 agencies.

5 As far as CPR goes, telecommunicator
6 CPR, yes, that is all part of that. I mean that
7 is taught. So I would not anticipate that being
8 separate.

9 But as Amanda said, there are the links
10 -- I don't know if -- I have links anyways, but
11 for the free training, so let's say they did not
12 want to implement EMD, and let's say that's all
13 they wanted to do was just the telecommunicator
14 CPR, then they could have all of their staff
15 trained in telecommunicator CPR, and then yes,
16 implement that part of it at least in their
17 agencies.

18 MR. DUTTON: Okay. That answers it.
19 Thank you.

20 ACTING CHAIRMAN STRANDELL: Ryan.

21 MR. OSTER: This is Ryan. But this goes
22 way beyond the Academy training, this is requiring
23 it every two years, right? And so we just talked
24 about a two calendar year, and extensions, and all
25 of that, so do we need to think about that?

1 MR. OLSON: This is Kevin. But if I
2 read this correctly, that two year training can be
3 acquired online, correct, at no cost?

4 MS. BURDICK: Right --

5 MR. OLSON: So all they have to do is do
6 the online, and submit their certificate to --

7 MS. BOLGER: This is Katrina. This
8 requirement falls during our ethics training.
9 It's in the same category as the ethics training
10 that we require every two years. We don't care if
11 it's POST certified, we don't care if you all sat
12 down and watched a video, we don't care what you
13 do or how you do it. It's just you need to do it
14 every two years. If you guys don't use it, fine,
15 whatever, that's up to the agency. But this is
16 just to ensure that everybody gets their update if
17 they do -- (inaudible) --

18 MR. OSTER: This is Ryan again. If they
19 do implement what?

20 MS. BOLGER: Providing telephonic CPR.

21 MR. JOHNSON: This is Perry. This would
22 require that every two years. I would just speak
23 to this, in that what we're really trying to
24 capture here is that ongoing training. It starts
25 at the Basic Academy for Public Safety

1 Communicators. In fact, there is three days of
2 EMD now. Whether you have EMD or not, you get it.

3 This captures those people that haven't
4 been there since they implemented EMD four or five
5 years ago. So this would make a requirement that
6 you at least get the training. There is no
7 requirement in here that you apply it. It doesn't
8 mandate any agency to use it. But it makes sure
9 that they have got that available if they need it.

10 In regards to the cost or the training,
11 there is nobody that's going to walk into every
12 dispatch center in Montana. They're going to be
13 able to go online, pick this up.

14 And Amanda and Kimberly have done a
15 tremendous amount of research, and everything that
16 you see here, while it might appear to be onerous
17 or quite a burden, is captured in that 90 minute
18 or two-and-a-half hour training that you get
19 online from -- for free. I think the state of
20 Wisconsin has a tremendous program that they say,
21 "You guys can have it." There is another one.

22 MS. CAHILL: Arizona.

23 MR. JOHNSON: Arizona. And they said,
24 "You guys can have it. We think it's that
25 important."

1 And I guess I always come back to what
2 -- You know, I've heard a lot of people on the
3 Council say this. Kevin says it the best. Man,
4 if your family is going through an area, he wants,
5 and so do I, that family to have access to good
6 public safety. Good cops, good dispatchers, the
7 ability to, if there is a crisis, that we can
8 respond to it.

9 So I think that it puts the requirement
10 and the tools in everybody's tool box. They have
11 to decide whether they're going to use it, but
12 they're going to have to get it. Same as that
13 ethics training.

14 MR. OSTER: This is Ryan again. I would
15 just point out, though, that that's fine if half
16 of the PSAPs don't want to use it. There is no
17 requirement they do. But their folks better have
18 this every two calendar years or they are outside
19 of their scope should they use it. So it is
20 putting a training burden that Administrators
21 better pay attention to.

22 MS. BOLGER: This is Katrina. This is
23 part of the audit process. Right? Every month I
24 send an audit to an officer. And so far, we've
25 had 100 percent compliance with those audits.

1 They need their 20 hours of training, they need to
2 show that they've had their ethics training.

3 Some of them get their ethics training
4 the day that they get the audit letter. That's
5 fine. Whatever. And we don't use that as a
6 punitive. If you look at our policy on those
7 audits, it is not a punitive thing. We would tell
8 them, "Okay. You're not up to date. You have six
9 months. Here's some free resources to get
10 yourself up to date." There is not a penalty
11 attached to that 20 hour training audit, and
12 that's what this is a part of.

13 ACTING CHAIRMAN STRANDELL: Kim.

14 MS. BURDICK: This is Kimberly again.
15 And I just want to point out that with EMD
16 programs, no matter if they are a vendor driven or
17 what they are teaching at the Academy, King County
18 EMD, there is a recertification continuing
19 education component to all EMD programs that I am
20 aware of.

21 So every two years, for instance, our
22 dispatchers are APCO certified, and they have to
23 have 24 hours of continuing education every two
24 years, and they have to recertify, and --
25 (inaudible) --

1 ACTING CHAIRMAN STRANDELL: Jim.

2 MR. THOMAS: This is Jim. And we were
3 talking about starting at the Academy with EMD
4 training. I don't know if it's still the case,
5 but I know when I was at the Academy, there were
6 quite a few -- (inaudible) -- there were some
7 PSAPs that do not send their dispatchers to the
8 Academy. I don't know if that's still happening
9 now, but there was then. So they're not going to
10 get that initial EMD training.

11 MS. BURDICK: And not POST certified.
12 -- (inaudible) --

13 MR. JOHNSON: Let's bite on that apple
14 then -- this is Perry -- because I've been aware
15 of that for the last six and a half years since I
16 started here, and I was never aware of that
17 before. But Billings doesn't send any dispatcher.
18 Billings, Montana doesn't have a POST certified
19 dispatcher that I'm aware of. But they don't work
20 for a Police Department, or Sheriff's Office, or a
21 911 center, they work for the Fire Department.

22 But the statute is specific that they
23 must be trained and POST certified. And we've
24 never talked about it before at one of our Council
25 meetings. So you know, without putting the monkey

1 on anybody's back, I wonder what you think about
2 that, Wyatt.

3 MR. GLADE: I'm going to move. What do
4 I think about Billings' practice of not sending
5 its dispatchers to POST training? Is that the
6 question?

7 MR. JOHNSON: Yes.

8 MR. GLADE: I wouldn't want to jump in
9 the middle of Billings issue. If they have to be
10 POST certified, they have to be POST certified,
11 right, by statute?

12 MR. OLSON: I'll throw Wyatt a lifeline
13 here for a second. This is Kevin. So the statute
14 is clear on that, but unlike the statute
15 pertaining to the rest of Public Safety Officers,
16 where the statutes pertain to other Public Safety
17 Officers says if they don't get it, they lose
18 their job.

19 With Public Safety Communicators it's
20 permissive. It says if they don't get it, it "may
21 be" cause for termination. It doesn't say it
22 "shall be" cause for termination. It "may be"
23 cause. So that --

24 MS. BOLGER: I don't think 44-4-404 is
25 permissive, though. It says they just need an

1 Administrator's --

2 MR. OLSON: But if you go back and you
3 look at the statute specific on Public Safety
4 Communicators --

5 MS. BOLGER: Right.

6 MR. OLSON: And not to get -- I
7 certainly don't want to argue law with three
8 attorneys sitting at the table. But the specific
9 statute overrules the general statute. And so to
10 that end, Ann Kindness (phonetic) was the primary
11 instructor for MLEA, and then she just got tired.
12 I mean it was too much of a burden for her.

13 And I do know this, that their
14 on-the-job training far exceeds anything that the
15 Academy does. Now, do I condone it? I'm not
16 going there. I'm like Wyatt. I'm not going to
17 jump in the middle of Billings issues. But that's
18 the distinction, is when we looked at that years
19 ago, it was like, "Well, what are you going to do
20 if they don't come?" If they don't want to use it
21 as cause for termination, they just --

22 MR. GLADE: And it would be a hard
23 argument to not send your dispatcher to the
24 training, and then terminate them because they
25 didn't go to the training. Again, I'm not going

1 to -- (inaudible) --

2 MR. JOHNSON: Well, this is Perry again.
3 The statutes are specific. And it doesn't say
4 that POST doesn't have a place at that table. It
5 says the agency may terminate them. But our laws,
6 our rules, say dispatchers are Public Safety
7 Officers, and our rules don't make an exception
8 for anybody that chooses not to go to the Academy.
9 They must be certified. There is no discretion
10 there. That's what the rules say.

11 So we've never had it on the agenda, so
12 it probably, that would need to be something that
13 we'd have to bring back to it to make an agenda
14 item, and I guess maybe I'm even sorry now that --

15 UNKNOWN SPEAKER: That I brought it up.

16 MR. JOHNSON: -- back that up, I
17 probably would. But I don't know. Could it?

18 MR. THOMAS: This is Jim. So if they're
19 not POST certified, then what sanctioning could we
20 impose?

21 I mean I understand what your argument
22 is. There are rules and they need to be followed,
23 but --

24 MR. JOHNSON: I don't know. I think it
25 gets -- Kevin is right. It gets so that's such a

1 web there that you would have to have an analysis
2 done, and maybe that's something for the next
3 Council meeting you might want to ask Kristina to
4 take a look at, and at least bring back to the
5 Council the statutes and the Administrative Rules
6 as they all interact with each other, so that
7 instead of being speculative about what the
8 wording is, you know, really how it works, and how
9 they all interact, that probably would be a
10 healthier way to deal with it.

11 In regards, though, to this
12 Administrative Rule, I think it's really well
13 thought out. I think Kimberly and Amanda have
14 really worked to make sure that it's attainable.

15 And I recognize what your point is,
16 Ryan. That is going to be a training burden on
17 every PSAP in Montana on every staff member, but
18 this is what I hear all the time, and so does
19 Katrina, and so does Mary Ann.

20 When we're talking to public safety
21 communicators on the phone, and saying, "Well,
22 you've got to have those 20 hours every two
23 years," we're hearing from them this -- and I bet
24 you hear it, too -- "Man, it's hard to get out of
25 dispatch to get 20 hours of training." It is hard

1 to get it, because if they were anything like me
2 when I was a Sheriff -- I don't know, maybe Leo
3 puts a priority on it -- I didn't send my
4 dispatchers to a lot of training.

5 So to have an opportunity for even an
6 hour and a half or two hours of training every two
7 years for free, and they don't have to leave the
8 dispatch center, it looks like a win-win for
9 everybody to me, but -- Jason.

10 MR. JARRETT: This is Jason. Forgive my
11 lack of history on this, and I certainly support
12 that program. But what's the history of POST
13 Council deciding kinds, types, and levels of
14 service for individual agencies?

15 Because this appears a little different
16 than our standards for Public Safety Officers in
17 terms of ethics or basic skills, but we're
18 actually requiring a level of service of an
19 individual agency with this. Have we done that
20 before?

21 MR. JOHNSON: This is Perry. We're not
22 requiring a level of service, we're requiring a
23 training component.

24 So I guess I would use the analogy we do
25 that right now with firearms, we do it with SWAT,

1 we do it with firearms instructor. They have to
2 meet these components in order to qualify for that
3 training component. That doesn't mean you have to
4 be an instructor, but if you want to be an
5 instructor, you have to do that. If you want to
6 be a firearms instructor, you have to do this.

7 The same is for firearms qualification.
8 You've got to shoot that course every year as a
9 minimum course, right? I think our history, I
10 think it would be consistent with what our history
11 has been.

12 MS. BURDICK: So we did have some
13 discussion, and that was mentioned, you know,
14 under No. 3 on 227, Page 227, and there are --
15 (inaudible) -- and different bullets points, one
16 through -- (inaudible) -- 15,215.

17 So Amanda, she explained that very well
18 because that question was proposed before. And
19 she said -- and maybe you want to speak to that as
20 far as the training. So you don't want to watch a
21 YouTube video, bring up a YouTube video that says
22 telecommunicator CPR, or something similar, and
23 say, "met the requirements."

24 So that's one of the reasons why these
25 different things were itemized, to ensure that the

1 training that is received, specifically like the
2 Wisconsin training, online training, does cover
3 all the very important areas of delivery of
4 telecommunicator CPR.

5 MR. JOHNSON: So this is Perry again.
6 So in regards to Leo's ARM Committee, can I
7 continue?

8 MR. DUTTON: Yes, please.

9 MR. JOHNSON: You'll notice under the
10 firearms proficiencies on Page 228 and 229, there
11 is another suggested edit to the Administrative
12 Rule, and that is under (2)(a) at the top of 229,
13 is to identify the handgun as a primary duty
14 handgun; and then under (2)(f), to talk about
15 another firearm, a secondary or back up handgun;
16 and even to define a different course of fire for
17 that firearm.

18 And this comes out of Leo's ARM
19 Committee. And so if you wanted to expand on
20 that, Leo.

21 MR. DUTTON: There was a comment made to
22 differentiate, so you had the ability to qualify
23 with your primary, we'll call it primary duty
24 handgun, and then those officers that are carrying
25 a backup, an ankle holster, that were a little bit

1 more definitive and not quite as exhaustive as
2 before; that most things, when we talked about it,
3 if you're down to using your backup weapon, you're
4 not shooting 25 yard TRC. It's close quarters
5 combat.

6 So we looked at that, and talked about
7 changing the distance, and generally there is a
8 380, it could be a revolver, and that's what led
9 to that discussion. Back to you, Perry.

10 MR. JOHNSON: This is Perry. That was
11 well accepted by your committee.

12 MR. DUTTON: Yes.

13 MR. JOHNSON: So they bring it to the
14 Council for consideration.

15 And then finally under 216 at the bottom
16 of 229, I think that's the last component there,
17 is they changed some language, or added some
18 language, about approving locations other than the
19 Academy for Basic or Basic equivalency courses.
20 And they have defined the ability for any
21 discipline to have a Basic equivalency course as
22 well.

23 So for example, the Basic equivalency
24 course now for Law Enforcement Officer Basic is a
25 32 hour one week class. In fact, they're meeting

1 this week. I think we've got 16 officers. Kevin
2 with P&P, they've got an eight week course now.
3 If he had a candidate from out of state, they
4 could develop another equivalency course that may
5 enable them to recognize training, and then
6 integrate that person without sending them through
7 the full Academy.

8 Detention already has it; PFC could do
9 that; Coroner could do that as well. And so we're
10 just putting it in rule that that's a possibility.

11 Then finally that last part, sub (3),
12 instead of referencing notification requirements
13 in another statute, we just say what that statute
14 says, is that a public safety employee's employing
15 authority must provide written notice to POST
16 within ten days of the appointment, termination,
17 resignation, or death of a Public Safety Officer,
18 just to make it a little clear so they don't have
19 to open their book, and then open another book to
20 find what the requirement is.

21 So Mr. ARM Chairman, it's all yours.

22 MR. DUTTON: That's my report. Thank
23 you. So we have discussed some of these, and I
24 know we've brought them up, but we wanted to bring
25 these before you for your consideration and

1 acceptance. If you need some time to look at
2 those or have further discussion, we're open to
3 that.

4 And again, I believe these -- Did these
5 from Pages 227 to 229, did they go to the Business
6 Committee as well?

7 UNKNOWN SPEAKER: Yes.

8 MR. DUTTON: I was thinking they did,
9 when we talked to them about it had come over from
10 you guys. So if you have anything to add, I
11 appreciate it.

12 MR. JOHNSON: This is Perry. I think
13 that at this point we're actually looking for the
14 ability, for the decision from the Council that
15 these are acceptable edits that you want to move
16 forward, and then we start the process. We do the
17 hearing again; we take written, and verbal, and
18 public comment; and then before anything happens,
19 you'll see a product from the attorney that says,
20 "These are what the comments were. These are the
21 responses," and then it would come back to you
22 guys as a finished product.

23 But we have to get there first in
24 regards to this TCPR, and this firearm stuff.

25 MR. THOMAS: Mr. Chairman, this is Jim.

1 I'd like to make a motion that we accept the
2 recommendations, and move the process forward.

3 ACTING CHAIRMAN STRANDELL: Do we need a
4 motion or just consensus?

5 UNKNOWN SPEAKER: Do we need a motion?

6 MR. JOHNSON: I think you need a motion.

7 ACTING CHAIRMAN STRANDELL: We have a
8 motion by Jim. Does somebody want to second that?

9 MS. BURDICK: Second.

10 MR. JOHNSON: Kimberly did.

11 ACTING CHAIRMAN STRANDELL: Motion and a
12 second. All in favor, say aye.

13 (Response)

14 ACTING CHAIRMAN STRANDELL: Opposed.

15 (No response)

16 ACTING CHAIRMAN STRANDELL: Motion
17 passes.

18 MR. DUTTON: We missed the people on the
19 phone, Mr. Chair.

20 ACTING CHAIRMAN STRANDELL: Tony and
21 Tia, are you guys voting?

22 MR. HARBAUGH: I didn't have the time to
23 say aye.

24 ACTING CHAIRMAN STRANDELL: Are you
25 there, Tia?

1 MS. ROBBIN: I support it as well.

2 Thank you.

3 MR. GLADE: This is Wyatt. I just
4 wanted to comment on the TCPR rule, and I'm not
5 saying anything that hasn't been said, but I would
6 echo Mr. Oster's comment that when we talked about
7 liability earlier, the way I see this, this
8 establishes a baseline for training, these people
9 that have to have this training, right?

10 I see more liability in the failure to
11 keep current than I do in people actually
12 administering this advice over the phone. That's
13 the first thing that a personal injury attorney is
14 going to look for in one of these situations is,
15 "Are you current on your training when you
16 administered this advice over the telephone?"

17 So I see that POST is not responsible
18 for maintaining records for continuing education
19 hours. I would just hope there would be some way
20 we could emphasize to the people who are
21 supervising people administering this advice how
22 important it is to keep current on your training.

23 ACTING CHAIRMAN STRANDELL: That's a
24 good point. Thanks. Any further discussion?

25 (No response)

1 ACTING CHAIRMAN STRANDELL: Seeing none,
2 we'll move on to Case Status. In your packet on
3 Page 230 to 232, you'll see an outline of the
4 activity within the Case Status Committee. As
5 Perry had stated, we still meet once a month,
6 review a lot of different cases.

7 On the back Page 232 gives you an idea
8 of the current cases that we have. I'm sorry. I
9 don't think there is anything else to report on
10 that. You can read that at your pleasure.

11 But anyway, your Case Status Committee
12 continues to stay very active and engaged in
13 working on a variety of different allegations of
14 misconduct type claims.

15 MR. JOHNSON: This is Perry. I just
16 want to make sure that we emphasize. A lot of
17 people think that if we get an allegation, we take
18 an action on it. So at the top of Page 232,
19 you'll see we closed 54 cases. We didn't take
20 action on 54 certificates. We reviewed them and
21 closed them.

22 Then we have a total of 68 cases that
23 are open. And then in addition to those, we're
24 tracking 13 different sanctions, either probation
25 or suspensions, that relate to those officers as

1 well.

2 So the footprint is pretty big, but it's
3 significant that just yesterday that Case Status
4 Committee met, reviewed 25 cases, and nine of them
5 were new in the last four or five weeks, and
6 that's kind of -- that's pretty significant. We
7 look at eight to fifteen new cases every month or
8 six weeks.

9 ACTING CHAIRMAN STRANDELL: Then just
10 the volume of paperwork that the committee members
11 review every month, you know. We get a booklet
12 that thick, 400 some pages of documents in there,
13 and it's very important that each committee member
14 review and understand what's in that packet, so
15 that when we meet with Perry and staff, we can be
16 familiar with the allegations, the documents that
17 have been provided.

18 And I know I spend -- I'm not a fast
19 reader, but I bet you I spend two to three hours
20 going through that packet easily. Jim, would
21 you --

22 MR. THOMAS: I would double that. That
23 doesn't include the time watching videos --

24 ACTING CHAIRMAN STRANDELL: Right.

25 MR. THOMAS: -- that we sometimes need

1 to look at.

2 ACTING CHAIRMAN STRANDELL: I guess I'm
3 a fast reader compared to you.

4 MR. THOMAS: Well, I'm from Alabama.

5 ACTING CHAIRMAN STRANDELL: Any
6 questions there?

7 (No response)

8 ACTING CHAIRMAN STRANDELL: Business
9 policy.

10 MS. BURDICK: So I think we've discussed
11 almost everything that we've needed to discuss in
12 the meeting here with the ARM Committee
13 especially. Is there anything that is left?

14 MR. JOHNSON: This is Perry. I think
15 Pages 233 and 234 would be that legislative
16 discussion that we talked about before.

17 This is a statute that we worked on
18 during the last legislative session, and it died
19 in the Judiciary Committee. It failed to make it
20 out of committee. So this is the one that we
21 removed the oversight or review by the Board of
22 Crime Control, if you chose to pursue it as a
23 legislative package again.

24 Pages 235 through 239 relate to another
25 statute that -- I'm sorry -- another legislative

1 package that we brought to the Legislature last
2 time as well. I can't remember if it made it out
3 of committee.

4 MS. BOLGER: It didn't.

5 MR. JOHNSON: It didn't. And it died in
6 the House Judiciary. So the other one died in the
7 Senate Judiciary, this one died in the House
8 Judiciary.

9 I think we should just speak to one at a
10 time as to what the Council's pleasure may be.
11 And this could be in regards to reporting to the
12 Board of Crime Control interim committee -- I'm
13 sorry. Not the Board of Crime Control -- the Law
14 and Justice Interim Committee.

15 These bills last time came out of that
16 committee. They adopted them separately, and they
17 moved them out of committee. I think this would
18 be an opportunity during that POST Council report
19 to that committee, if you choose to present this
20 to them, I think that you could do that. I think
21 there is an opportunity there.

22 I think in regards to that second
23 component there, those Pages 235 to 239, if you
24 ask me -- and I guess you don't even have to ask
25 me. I would say that this first one is more

1 significant to the business of the Council than
2 the second one.

3 I think that Board of Crime Control
4 review adds expense to what we're doing, and adds
5 time and attorney time to what we're doing. And I
6 think that it would be a good business move on
7 behalf of what we're trying to do. So I'll leave
8 it to you guys to decide what direction you want
9 to go.

10 MR. SAYLER: This is Matt. I think last
11 time we talked to basically the Board of Crime
12 Control hearing, whoever loses just appeals it to
13 District Court anyways, is what's going to happen,
14 so we're just trying to skip that step in the
15 process. Perry.

16 MR. GLADE: This is Wyatt. I represent
17 the Board of Crime Control, and I think that I
18 made my comments on this before, but I'll say them
19 again.

20 The way this is handled by the Board of
21 Crime Control is the appeals from the POST
22 determination go to a committee, a three member
23 committee, and the three member committee then
24 makes a decision to uphold, or to support or not
25 support POST's committee decision. And then that

1 goes to the full board, full board meeting, and
2 they decide to whether to accept the committee's
3 recommendations at that point. So it's two level
4 review at the Board of Crime Control level.

5 I haven't been on the Board of Crime
6 Control for a long time. I think it's three years
7 or so. And my three years have been spanning the
8 shift from being quasi-independent much like POST
9 was, to being a part of the DOC.

10 And I would just say at the last full
11 board meeting that I went to -- it was in
12 September. I think I attended the December by
13 phone -- but at any rate, that's when the
14 Drishinski appeal came up. And I believe I did
15 not take part in that vote because while I wasn't
16 on POST when the events occurred, I am on POST
17 now.

18 But I would just say that the process is
19 -- I didn't like it. I didn't like the level of
20 information we were provided. I didn't feel like
21 we were in a good position to be making a decision
22 reviewing not only the POST decision, but the
23 subcommittee's decision. It was just very
24 confusing.

25 And I don't know if that's a function of

1 the confusion that ensues, a shift in an agency
2 from being administratively attached to DOC, to
3 DOJ, to being moved to DOC. There is going to be
4 some confusion with a shift that large. And I'm
5 referring to the Board of Crime Control, the
6 confusion at that level.

7 But I guess what I'm saying is
8 personally I support this. I don't know if I have
9 the big picture, so to speak, of why the Board of
10 Crime Control is reviewing POST in the first
11 place. I assume that has a lot to do with some of
12 the federal rules with administering grants to the
13 states. They've got these levels of review to fit
14 their standards.

15 But so much has changed in the last
16 couple of years with both POST and the Board of
17 Crime Control, that this is kind of a function of,
18 "We're going to make these changes because it's
19 good for the budget," but there is all of these
20 little things that are still dangling out there,
21 the conflicts that we're seeing with attorneys not
22 being able to represent their clients because
23 they're now working for one agency or the other,
24 that conflicts with DOC, now sitting
25 administratively reviewing the DOJ. That didn't

1 happen before.

2 I guess I don't know if I'm making a
3 cogent statement here. Maybe that's because the
4 whole situation is confusing, but that's the way
5 it seems to me. And I think the rest of the board
6 members feel the same. I can't speak for them
7 individually, but that's what I say. Leo, you're
8 on the board. Do you have any comment on that?

9 MR. DUTTON: This is Leo. And I've been
10 there about seven or eight years for Board of
11 Crime Control.

12 Initially we went through, or we were an
13 autonomous board with an Executive Director, and
14 when the last minute change by the Legislature
15 eliminated that, put us under the Department of
16 Corrections, the Department of Corrections didn't
17 -- they didn't want the change, nor did they ask
18 for it, but someone did, and someone granted their
19 wish.

20 The problem that we have is when we make
21 a decision, the people that don't really
22 understand, so they attempt to have what they
23 consider a fair hearing. They'll listen to the
24 person who is appealing, but they're not getting
25 both sides. That's what I saw.

1 I have seen this where they listen to
2 the individual who is appealing only, and some of
3 the -- they may look at the written testimony, but
4 they're allowing the emotional testimony from the
5 person who is appealing, and they're reading the
6 condensed information from POST.

7 So it doesn't seem in equity, in the
8 sense of equity, it's not there. It's not like a
9 trial or anything like that, nor should they be
10 doing that at all. I mean they should be
11 reviewing what they read.

12 It was set up this way because initially
13 Board of Crime Control was under Justice, and they
14 had advice from the Department of Justice. Now
15 they don't have that, and in the transition that
16 has not happened. The question was do you want
17 Department of Corrections reviewing something that
18 has to do with Justice, as you already stated.

19 So it is problematic. I support this
20 going back through there. The issue of them
21 seeing that, and not really understanding what the
22 full picture is has been disturbing as a member of
23 the Board of Crime Control. I'm not allowed to
24 talk about it, I'm not allowed to vote, and I've
25 been basically gaveled down a couple of times when

1 I say, "You're not getting the full picture," and
2 "You can't speak." They've not known me very long
3 or they would have known I can talk a lot.

4 But anyway, I think for the point of
5 order part of it is they don't allow that, and I
6 find that very problematic.

7 ACTING CHAIRMAN STRANDELL: Ryan.

8 MR. OSTER: Just a quick question. This
9 is Ryan. So a number of years back when we first
10 took a look at this, I was under the impression
11 that this exists because at one time POST was a
12 subset of Board of Crime Control.

13 UNKNOWN SPEAKER: That's correct.

14 MR. OSTER: So this thing is old, and
15 everybody has been moved since then, and I think
16 that's a good selling point to the Legislature.
17 And I think we do need to move forward with this
18 piece on its own, and see -- you know, this will
19 be, what, the third swipe at it.

20 ACTING CHAIRMAN STRANDELL: This is
21 John. Perry, correct if I'm wrong, but didn't you
22 talk to one of the committee members, and they
23 voted it down; and asked why, and the question was
24 that they wanted a buffer there because it would
25 help decrease the workload in District Court.

1 MR. JOHNSON: Yes.

2 ACTING CHAIRMAN STRANDELL: Something
3 along that nature? So there is misinformation
4 there just in their mind about what we were trying
5 to do, and attempt to do, remove this. In their
6 mind, I'm sure they were dealing with the workload
7 in District Courts, and more Judges, and in their
8 mind they were thinking it was going to impact the
9 Courts more if you remove that, so --

10 MR. OSTER: Which it isn't because
11 they're going to automatically --

12 ACTING CHAIRMAN STRANDELL: Exactly.

13 MR. OLSON: So this is Kevin. Just for
14 clarity sake, though. Wyatt, the three member
15 committee that hears the appeal are board members,
16 they're not staff members.

17 MR. GLADE: Correct.

18 MR. OLSON: So they're not DOC people.

19 MR. GLADE: No.

20 MR. OLSON: And the board ultimately
21 supports or denies the recommendation from the
22 three member committee, not Corrections.

23 MR. GLADE: Correct.

24 MR. OLSON: And the board itself is
25 still an autonomous unit.

1 MR. GLADE: It is. And to respond,
2 Kevin, my comments are more directed toward the
3 organizational format of the meeting and the
4 information provided to the board members.

5 MR. OLSON: Not to interrupt you, Wyatt.
6 That's where I was headed, too, is because I think
7 -- and I'm going to call on Kristina -- but I've
8 said this before. Department of Labor oversees 51
9 regulatory committees, and not one of those has an
10 intermediary appellate unit designated like POST
11 going to the Board of Crime Control, and then
12 going to the Court.

13 Second of all, just the little bit I
14 know, Kristina, isn't it true that really you look
15 at the appeal process from other regulatory
16 functions, they have to cry foul on a process.
17 They can't rehash the facts. They can't take
18 additional testimony, correct?

19 MS. NEAL: This is Kristina. And you're
20 correct in both of those instances. I mean you'd
21 be reviewing a record, and there's deference to
22 Hearings Examiner and the POST Council's record.

23 And so I think in reference to what Mr.
24 Dutton said, what happens is that -- and it
25 happens even at like our committee, which is the

1 review committee. I would be present, and then
2 the officer's present, and then allow the officer
3 to give a statement. And so that officer's
4 already testified, and so that kind of highlights
5 maybe that testimony, instead of just looking at
6 that record from the Hearings Examiner and the
7 findings of fact.

8 And because it's an open meeting, there
9 is also an opportunity for public comment. So for
10 example, the officer's mom might stand up and say
11 during the public comment, "Here's my thoughts
12 about the case," and in reality, and then that's
13 what I would argue is, "No. Your deference has to
14 be to that record that's already been made in
15 front of that finding, the findings of fact and
16 conclusions of law by that Hearings Examiner, and
17 you would have to give deference to that."

18 But you're right. When you're there,
19 they've got two bodies speaking to them at that
20 point, and it really should be a cold record
21 review at that point.

22 MS. BOLGER: This is Katrina. Having
23 witnessed a couple of these appellate review
24 committee meetings, I don't know all of the Board
25 of Crime Control's functions, but they obviously

1 are not an administrative licensing board that
2 follows MAPA on a daily basis. They're not
3 familiar with these processes as much as our staff
4 would be.

5 Additionally, there is no standard of
6 review for an agency's review of another agency.
7 And so we don't know if they can hear more or not.
8 I mean --

9 MR. OLSON: This is Kevin once again. I
10 just go back to what we have all been told when
11 we're hearing it for the first time of what we can
12 expect, and what we can't expect, and what we can
13 ask, and what we can't ask, you know, unless we
14 open up the entire record, you know.

15 And I kind of find it crazy that we have
16 to adhere to those established rules of
17 administrative proceedings, but like Wyatt says,
18 it appears that they don't know or don't have the
19 ability to really devise a process that would meet
20 the standards of a review.

21 MR. JOHNSON: This is Perry. I'll just
22 piggyback on that. I quit going to the Board of
23 Crime Control's committee meeting on review
24 because they want to do it all over again. If I'm
25 sitting there, they want to interrogate me.

1 And the fact of the matter is is by the
2 time it gets to them, you guys have made a
3 decision. The record should be complete in front
4 of that committee. And so I don't even want to be
5 in the room anymore because I don't think that
6 it's appropriate that there is additional
7 consideration at that point. They need to look at
8 the record and make a decision based on that.

9 So there is no requirement for me to be
10 there, and our experience has been it's been
11 counter-productive. It hasn't been productive for
12 us.

13 So I guess, Ryan, you said that you
14 support it. I don't know if you guys want to make
15 a motion then that this could be part of that
16 report to the Law and Justice Interim Committee,
17 because I think we get pretty good traction out of
18 them. I think, like Ryan said, this will be the
19 third time.

20 The first time it didn't go through
21 only, I think, because it was part of a bigger
22 package that there was some things that got
23 shredded in the process, and we didn't get any
24 package out of that two sessions ago. This time
25 we sent it through as a single bill.

1 ACTING CHAIR STRANDELL: Does anyone
2 want to make a motion to that effect?

3 MR. OSTER: This is Ryan. I would go
4 ahead and make that motion, but I would do that
5 that we separate this piece out on its own. The
6 rest of -- So the changes to 44-4-403, we talked
7 about at the Business Plan. And I think Perry,
8 you just said it here a little bit ago. These are
9 far less important to the day-to-day operation of
10 POST. And so I would move that we send -- where
11 am I at?

12 MR. JOHNSON: This is Perry. I think
13 you'd want to limit it to Pages 233 and 234.

14 MR. OSTER: Yes. 44-4-40 -- yeah. So
15 the first bite of that there, yes.

16 ACTING CHAIRMAN STRANDELL: So your
17 motion, Ryan, would be send on the changes to
18 44-4-403?

19 MR. JOHNSON: And 44-7-101.

20 ACTING CHAIRMAN STRANDELL: 44-7-101?

21 MR. JOHNSON: Right.

22 MR. OSTER: I guess, but then if you go
23 to 236, there's further changes to 403 there, so
24 I'm not really sure what my motion is. I need a
25 second.

1 MR. JOHNSON: This is Perry. I think
2 that for purposes of this piece of legislation, I
3 think that if you limit it to these two pages 233
4 and 234, I think that provides for the best
5 opportunity to change this, to succeed with that
6 legislative language.

7 MR. OSTER: Yes.

8 ACTING CHAIRMAN STRANDELL: Does
9 everybody understand the motion? Jim.

10 MR. THOMAS: I was just going to second.

11 ACTING CHAIRMAN STRANDELL: Jim has
12 seconded the motion. Ready for discussion?

13 (No response)

14 ACTING CHAIRMAN STRANDELL: Hearing
15 none, all in favor, say aye.

16 (Response)

17 ACTING CHAIRMAN STRANDELL: Tony, Tia?

18 MR. HARBAUGH: Aye.

19 MS. ROBBIN: Aye.

20 ACTING CHAIRMAN STRANDELL: Opposed.

21 (No response)

22 ACTING CHAIRMAN STRANDELL: Motion
23 passed. Did we also discuss then on --

24 MR. HARBAUGH: John.

25 ACTING CHAIRMAN STRANDELL: Yes.

1 MR. HARBAUGH: If I may, I think when
2 that discussion takes place with the interim
3 subcommittee, that it might be appropriate to
4 include some historical discussion in regards to,
5 as Ryan said, earlier back when POST was a subset
6 of the Board of Crime Control; and maybe to
7 include in that discussion that that was the point
8 in time when the division of staff took place.

9 Prior to POST becoming an autonomous
10 body, the entire staff of the Board of Crime
11 Control was available for POST endeavors as well.
12 And when I came on the POST Council, we were going
13 through that situation at the time where we had
14 effectively lost, I think the equivalent at that
15 time was seven or eight FTE's that were considered
16 POST staff as well.

17 ACTING CHAIRMAN STRANDELL: Yes, I
18 agree, Tony. That's a great idea. I think the
19 history is very, very important.

20 MR. JOHNSON: This is Perry. I think
21 then we'll pull this out, and then we'll put
22 together a script or a history that whoever
23 presents this to the Board of Crime Control will
24 have it not only in a written format, but they can
25 read it into the record if that's necessary.

1 MR. OSTER: The interim committees.

2 MR. JOHNSON: Yes.

3 ACTING CHAIRMAN STRANDELL: Any further
4 discussion on that?

5 (No response)

6 ACTING CHAIRMAN STRANDELL: Now how
7 about the second part of this? Should we take
8 action on that, 235 through 239?

9 MR. JOHNSON: There is a lot of material
10 there. And I will point out to you that Kevin has
11 got to leave. We've done a lot of stuff in the
12 last six years -- stuff being a technical term,
13 right? We've moved a lot of things, we've edited
14 ARMs, we've gone to the Legislature. The Council
15 has changed the component or the composition even
16 of our Council from an autonomous group now to a
17 part of the DOJ.

18 And I say all that stuff because we have
19 been really dynamic. And there are people in our
20 stakeholder groups that think we've been too
21 dynamic, that we're trying to grab some power,
22 that we're doing some things that aren't healthy
23 for this profession.

24 So while I think that there is some
25 benefit to this legislative packet, I want to at

1 least have an opportunity for discussion to say
2 how much is too much. When do we want to slow
3 down and take a breath? If we come in with one
4 legislative proposal, is that enough, or isn't it?
5 Because nothing --

6 We're doing business, right? And we'll
7 continue to keep the lights on, and we'll continue
8 to do the things that we've been doing. But
9 sometimes I think it's better to let the
10 stakeholders catch up, instead of leaving them
11 behind and saying, "Hey." Let's have some more
12 conversations before we change this stuff, because
13 where they might think it's a power grab, actually
14 it's just a business decision. I don't feel like
15 it's a power grab, but I've heard -- and you guys
16 should hear it, too. And maybe you have. Maybe
17 your associations have said, "POST out ran their
18 headlights."

19 ACTING CHAIRMAN STRANDELL: This is
20 John. So then would it be a good idea to maybe
21 table this, give us time to review it a little bit
22 more carefully, and consider it, bring it up at
23 the next meeting? Because we'll still have time
24 then for introduction, if needed, or if it's
25 agreed upon that we do that.

1 MR. JOHNSON: This is Perry. I think
2 that's a good idea.

3 ACTING CHAIRMAN STRANDELL: Okay.

4 MR. JOHNSON: But it's up to you guys.

5 ACTING CHAIRMAN STRANDELL: Thoughts?

6 MR. DUTTON: This is Leo. Just so long
7 as everybody goes back and has an opportunity to
8 have a meeting with their disciplines, and talk
9 about this, and you're available, or someone is
10 available to say, "Here's the background. Here's
11 the reason."

12 And if a Council member here is somewhat
13 either confused, or has a little push-back, I
14 think it's better to have the push-back
15 conversations here rather than out where we can't
16 answer it.

17 So what I'm saying is if you have
18 push-back, this is the time to talk about it here,
19 where we have people that can talk about it, have
20 history. If you're going to your various
21 associations and talking about it, and can't
22 explain it, that's going to be more problematic
23 than just pushing it through.

24 I agree with the open idea, and making
25 sure that they understand, but also we want to be

1 clear in our message, this is why we're doing it.
2 Back to you.

3 ACTING CHAIRMAN STRANDELL: Okay.

4 MR. JOHNSON: This is Perry then. How
5 about I do this. Between now and the next Council
6 meeting, how about you allow me, and Katrina, and
7 Mary Ann to sit down, and break this apart, and
8 provide you guys with the rationale why we're
9 doing it, what's the reason for each one of these
10 changes.

11 And I think if you see it in that
12 format, it will be a lot more understandable, and
13 I think it will be a lot easier for you if
14 somebody asks a question, say, "Hey, this is why
15 we're doing this. This is what it looks like."

16 ACTING CHAIRMAN STRANDELL: I think
17 that's a good idea. Is everybody in agreement on
18 that?

19 MR. TOLSON: Perry, this is Truman.
20 That's a great idea.

21 ACTING CHAIRMAN STRANDELL: Tony? Tia?
22 Did you guys hear that?

23 MR. HARBAUGH: Yes. I think it sounds
24 excellent.

25 MS. ROBBIN: Sounds fine to me.

1 MR. JOHNSON: Thank you, Truman. That's
2 once in a row today for me then.

3 ACTING CHAIRMAN STRANDELL: Should mark
4 that on the calendar.

5 MR. TOLSON: Well, I'm -- (inaudible) --
6 I'm doing bailiff today, so -- (inaudible) -- but
7 I like that one.

8 MR. OSTER: John. This is Ryan. So I
9 just keep reading this, and we talked about this
10 at the Business Plan, and I can't seem to --

11 So No. 5 there on Page 237 talks about
12 the Council delegating stuff to the Bureau Chief.
13 And I think we really need to look at that,
14 because he's not our staff anymore, right? He
15 doesn't work for the Council, he works for DOJ.
16 And we get into this goofy thing of where we're at
17 now.

18 And that, to be honest, is one of my
19 biggest concerns with -- and why it's separated
20 that out, is because I don't think we want to go
21 up there and have that fight. I think we end up
22 losing stuff that's important to us.

23 So if we're going to take a bite at some
24 of this, I think we need to look at that one, and
25 figure out if that's a hill we want to die on.

1 MR. JOHNSON: This is Perry. I agree
2 with that, but I think that comes back then to
3 that statute that we talked about earlier, that
4 one that actually puts us under DOJ and has got a
5 sunset. So where are we with that?

6 ACTING CHAIRMAN STRANDELL: The
7 discussion we had earlier with the --

8 MR. OSTER: The report to the interim
9 committee has a sunset, right?

10 MR. JOHNSON: Well, that statute has got
11 a sunset, too.

12 ACTING CHAIRMAN STRANDELL: 24.

13 MS. BOLGER: So unless something is
14 brought forward to put funding in, or to do
15 something, we're going to revert back, and you
16 guys will have a staff with no paycheck, and no
17 budget, and no nothing. So unless something is
18 brought forward to the Legislature in the next
19 session, that's the situation you guys will be in.

20 ACTING CHAIRMAN STRANDELL: Let's
21 incorporate that then into the group discussion
22 that we were going to have as part of Kim's
23 committee, and just make that part of that same
24 process.

25 MR. JOHNSON: Okay. That's a real deep

1 issue. That one is complicated.

2 ACTING CHAIRMAN STRANDELL: Are we done
3 with Kim's committee? See, every time you don't
4 think you have nothing to talk about, it turns
5 into an hour discussion. Okay. Coroner, Leo.

6 MR. DUTTON: Okay. Page 240. What we
7 wanted to discuss was a letter from Scott Larson
8 that talked about some of the things that the
9 Crime Lab is offering to do in relation to the
10 Coroners division. I won't bless you with my
11 reading ability. If you have it, you can look
12 through it.

13 There are seven different points on here
14 that are important. And the other guy from the
15 Coroners Association left. But these are
16 important when you start looking through suspected
17 deaths from drug related issues, cost recovery.

18 And there is one thing that is not in
19 here that probably will be. Go to Bullet 7,
20 because I know about that. Don't ask me -- unless
21 Brent can remember -- what ABMDI means. It's a
22 level of certification. I could make something
23 up, you wouldn't know it, but I won't. So we'll
24 just say I don't.

25 They have scholarships for Coroners or

1 Deputy Coroners to get training that's out of St.
2 Louis that certifies a Coroner. Now, we talked
3 about what's the difference in court? What
4 advantage is it that your Coroner or Deputy
5 Coroner is certified?

6 So there was some I would say ambiguity,
7 or ambivalence of, "Well, maybe it adds more
8 credibility when you go to court." But anytime
9 that you can say you're certified probably adds to
10 your authenticity when you do go to court, and
11 say, "Here's specific training that I attended.
12 I'm saying that the cause and manner is this," and
13 it is probably met with more -- what's the word --
14 believability than being a Coroner, Deputy
15 Coroner.

16 I know that the training we provide is
17 good. Any time education is offered, take
18 advantage of it. They're offering two
19 scholarships. I think we got one of them, didn't
20 we, Brent?

21 MR. COLBERT: We did, yes.

22 MR. DUTTON: And then Great Falls got
23 the other one. So we're going to try it out, see
24 how it goes. They got a grant to do some training
25 on death investigation and related to opiate

1 related deaths, and what you should be looking
2 for.

3 One other thing that's not on here that
4 Perry brought in on our last, that POST puts on --
5 I guess I'll report to you about your training
6 that you put on in regard to the Great Falls.

7 This time, man, I thought it was a home
8 run. We had a one day, one day was all animal
9 related. I mean it could have been a TV show,
10 "When animals attack." And it was death
11 investigations about bear attacks, mountain lion
12 attacks, and --

13 UNKNOWN SPEAKER: Gerbil attacks?

14 MR. DUTTON: We know about the Gerbil
15 attacks, but they're self-induced. But anyway,
16 the issue of bears, and lions, and things like
17 that were very interesting, and it makes you want
18 to pack a shotgun anytime you go berry picking.

19 But there were elements brought up there
20 that were just for officer safety, not for just
21 Deputy Coroners, but for officers investigating,
22 if you're going in to look for a bear attack, that
23 none of us knew. And we came back, and today,
24 look, if you get a report of an animal, you don't
25 know, you just know it's a death, but proximity

1 suggests that it might be an animal attack.

2 We didn't understand you may be walking
3 into a potential area where a bear or a mountain
4 lion has begun to bury their cache. As it relates
5 to officer safety, it was huge. None of us knew
6 that. None of us other than the Fish and Game
7 guys. But what we did learn is to send Fish and
8 Game guys in first, and then follow them in. If
9 there is no screams of anguish, we'll follow on
10 in.

11 But the information passed on was great.
12 And so if you're wondering what your POST staff
13 does, that was an awesome deal as far as my job as
14 a Coroner.

15 There are several other things you can
16 read in there. If you see anything that you have
17 questions on, make sure and ask. And that's my
18 report.

19 ACTING CHAIRMAN STRANDELL: Thanks, Leo.

20 MR. TOLSON: Leo, this is Truman. That
21 acronym that you're talking about is the American
22 Board of Medicolegal Death Investigators.

23 MR. DUTTON: Very good. Glad you're by
24 a computer.

25 UNKNOWN SPEAKER: It's Medicolegal.

1 MR. DUTTON: ABMDI?

2 ACTING CHAIRMAN STRANDELL: Yes.

3 MR. DUTTON: I don't see an "L" in
4 there.

5 MR. JOHNSON: Medicolegal is one word.

6 MR. DUTTON: Oh, I guess I flunked
7 phonics.

8 MR. JOHNSON: Yeah, there you go.

9 ACTING CHAIRMAN STRANDELL: Okay. Are
10 we done with committee reports then?

11 MR. JOHNSON: Yes.

12 ACTING CHAIRMAN STRANDELL: Do you want
13 to move on to LEOB syllabus?

14 MR. JOHNSON: The next three items are
15 for your review. The Law Enforcement Officer
16 Basic syllabus has changed a little bit, so I
17 would ask you guys to review each of these. And I
18 don't know if you want to do it collectively or by
19 one motion, but to review the syllabus for the
20 LEOB, Basic Coroner, and the CDOB, the Correction
21 Detention Officer Basic, make a motion to approve
22 them.

23 ACTING CHAIRMAN STRANDELL: I would
24 recommend that we just do it as one motion unless
25 somebody objects. Would that be correct?

1 MR. THOMAS: This is Jim. I'll move
2 that we accept the -- (inaudible) --

3 ACTING CHAIRMAN STRANDELL: Do I have a
4 second?

5 MR. OSTER: I'll second. This is Ryan.

6 ACTING CHAIRMAN STRANDELL: Any further
7 discussion?

8 (No response)

9 ACTING CHAIRMAN STRANDELL: All in
10 favor, say aye.

11 (Response)

12 ACTING CHAIRMAN STRANDELL: Tony, Tia?

13 MR. HARBAUGH: Aye.

14 MS. ROBBIN: Aye.

15 ACTING CHAIRMAN STRANDELL: Any
16 opposition?

17 (No response)

18 ACTING CHAIRMAN STRANDELL: Motion
19 passes. Okay.

20 MR. JOHNSON: This is Perry. That
21 brings us to that proposal. Do you want to take a
22 break, or do you want to keep going, or --

23 ACTING CHAIRMAN STRANDELL: What's
24 everybody's -- is there anything else to talk
25 about under Item (e)?

1 MR. JOHNSON: Yes. We have a
2 presentation from Dawson Community College.

3 ACTING CHAIRMAN STRANDELL: Let's take a
4 quick break, and then you guys can prepare, and
5 we'll get you right on the agenda right after
6 that. How is that?

7 (Recess taken)

8 ACTING CHAIRMAN STRANDELL: We'll get
9 started again. Okay. I'll let Mr. Johnson
10 introduce our presenters.

11 MR. JOHNSON: This is letter (e). This
12 is the proposal, or at least the discussion for
13 Pretrial Services/Misdemeanor Probation Basic
14 Academy. And this is a presentation I think from
15 Scott Mickelsen, who is the President of the
16 Dawson County Community College. So Scott, the
17 floor is yours.

18 MR. MICKELSEN: All right. Well, thank
19 you. You know, I'm excited to be here. And when
20 I took over being the President of Dawson
21 Community College four years ago, I have had
22 people call me on the phone and say just think
23 about -- (inaudible) -- and yes, yes, yes. And I
24 said, "I'm here because there is opportunity."
25 And I'm here for you today because there is more

1 opportunity.

2 And Dawson Community College, we've been
3 growing, we've been adding new programs, we've
4 been creating partnerships, and the reason we've
5 been doing that is because those opportunities
6 exist.

7 So we're excited. You know, when Perry
8 reached out to Dawson Community College, had the
9 initial discussion with Rick, I was pretty excited
10 because one of the first conversations I had in
11 eastern Montana was from a Police Chief. He
12 polled the Sheriff, local elected officials,
13 statewide elected officials, is why can't we do
14 this in eastern Montana, because the cost for them
15 to come to Helena is so great. They can't travel
16 back on a weekend to spend quality time with their
17 families, so they stay in Helena.

18 So there was a lots of issues, and so
19 when this opportunity came up, I says, "Yes, we
20 are on board," and Rick has just been going,
21 going, going. There is no grass that grows under
22 that guy's feet, which I appreciate.

23 So you know, we're equipped. We've had
24 a criminal justice program for a number of years.
25 When I travel states that border Montana, when I

1 visit high schools, when I visit my counselors,
2 they all talk about criminal justice at Dawson
3 Community College. And so it's a program that's
4 been around a long time. We're very proud of it.
5 And we're excited about this potential
6 partnership.

7 We have classes, we have labs, we have
8 the classrooms, we have instructors, we have
9 adjunct instructors. We're ready to go. We've
10 got dorms. And yes, we will be open on the
11 weekends. We are there to serve the people of
12 eastern Montana, the people of Montana. We've got
13 students that stay in the dorms over the weekend.
14 We provide food and housing for them on the
15 weekends.

16 I was reading in this, and it said the
17 cost \$125. If that is what the cost of the
18 Academy is, that's what our cost will be. We're
19 not going to charge any more. This isn't a money
20 maker for us. This is a service to provide to law
21 enforcement people across the state of Montana.

22 Just to cover a couple other things.
23 You know, if there are things that we need to do
24 better, then we'll get on board, and we'll make
25 them better.

1 About three years ago we went through a
2 new strategic plan, and an action plan, and
3 throughout that it talks about excellence. And in
4 this partnership, we will do everything in our
5 power to achieve excellence in these classes. And
6 I know Rick does that in his classes now; his
7 administration at the college, his faculty and
8 staff, we all strive for that excellence.

9 It talked about in here, you know, the
10 cost to the individuals -- and I respect the
11 letter. The good thing about the letter is it
12 lets us look at other things maybe we hadn't
13 thought of, and allows us to make the program
14 better, make the partnership better.

15 And the one thing the gentleman was
16 talking about Gallatin County, what the cost would
17 be for them to travel. And the way that I
18 understand it, these classes won't be exclusively
19 at Dawson Community College in Glendive. They can
20 still come to Helena, and receive those classes, I
21 believe. And so if it is more cost effective for
22 them to come this direction, they can do that.
23 But for those in eastern Montana, if it's more
24 cost effective for them to go to Dawson Community
25 College, then that option would be there for them.

1 So we stand ready to partner on this.
2 We're excited about it. As President, I fully
3 support this initiative, my Board of Trustees
4 fully supports this initiative, and I know the
5 people in eastern Montana support this initiative,
6 so we're pretty excited about it. So thank you.

7 MR. JOHNSON: Thanks, Scott. This is
8 Perry. I just want to point out, though, for the
9 Council members, full disclosure is Glen doesn't
10 have any intention of offering this program. And
11 at this point, the conversation that we had
12 earlier with Andrea -- she may still be on the
13 phone -- was if another college wanted to bite on
14 this, this Council would take a proposal from
15 them.

16 At this point, though, the clock is
17 running. And we all acknowledge that. We know
18 there is a one year window, there is an 18 month
19 window. And we don't even know what the demand is
20 going to be for this Basic Academy class.

21 But at this point, so that you guys are
22 aware, and so the Council is aware, this looks
23 like our opportunity or the opportunity that's out
24 there for this instruction for this discipline.
25 And it's the only conversation we're having with

1 anybody else right now.

2 MR. MICKELSEN: Thanks. I appreciate
3 that. I was just going to say, you know, I
4 appreciate knowing that, and we'll do everything
5 in our power to make it work for everybody
6 involved.

7 MR. JARRETT: I have a question. This
8 is Jason. On this, thinking through this
9 proposal, what assumptions are you making about
10 the number of students that you're expecting?

11 MR. MICKELSEN: I'll let Rick talk -- I
12 think 15, but I'll let Rick --

13 MR. SyWASSINK: Basically all we need to
14 work with, J.J., is what numbers you've had so
15 far. We don't know. You guys don't know either
16 really -- (inaudible) --

17 MR. JARRETT: (Inaudible)

18 MR. SyWASSINK: And I'm not trying to be
19 smart about it. I'm just saying we're going to
20 have to kind of see where that all goes. You
21 know, we'll have to make adjustments accordingly
22 as far as costs or all that kind of stuff. We
23 don't know what the -- it's a new program, so --

24 MR. MICKELSEN: So our classes, so our
25 spring semester will be done about the middle of

1 May, so June is approaching fast. We do have room
2 in our dorms. We have food service that has a
3 summer contract, so they can be there to feed
4 people. We've got places where people can sleep.
5 If it's 30 people, we can do 15 in a session, and
6 maybe run two sessions over the summer. I don't
7 know. So whenever we get to that, when we see
8 what it is, we will make it work.

9 MR. SyWASSINK: Actually if you went
10 over that, let's say just hypothetically, J.J., if
11 we went over that 15, we could handle 15.

12 MR. JARRETT: I'm not worried about big
13 numbers. I'm worried about the small numbers.

14 MR. SyWASSINK: We can handle that.
15 That's not a problem.

16 MR. MICKELSEN: You know, we teach a lot
17 of classes where we've got six, seven kids, if
18 they need it, so we make it work.

19 And you know, one of the great things
20 about a community college is we're nimble, we're
21 quick, we're innovative, and we'll make it work.

22 ACTING CHAIRMAN STRANDELL: Ryan, did
23 you have a question?

24 MR. OSTER: This Ryan. I was curious.
25 Do we know how many of these exist in the state,

1 and what their turnover rates have been in the
2 past few years?

3 UNKNOWN SPEAKER: There is a significant
4 geographic shift because it's the larger
5 population base that are using these programs, and
6 that's a concern for you.

7 MR. JOHNSON: This is Perry. I don't
8 think that we even know, but I don't think it's
9 necessarily the larger population bases. I know
10 that we've got, for example, Ravalli County,
11 they've got misdemeanor probation. That's a
12 pretty small population. Lewistown, pretty small
13 population.

14 But I think that the opportunity for
15 expansion -- and Gloria's sitting in the room.
16 She's part of the one right here in Lewis & Clark
17 County. They started out with two, now they've
18 got four, right?

19 MS. SOJA: We do, and with permission --
20 this is Gloria Soja -- with permission, I do have
21 some of that information that may be helpful.

22 Because the pilot project, the pretrial
23 services pilot project, originally involved five
24 counties. So you have Missoula, Lewis & Clark,
25 you have Butte-Silver Bow, Yellowstone. But see,

1 you have these counties involved, but you also
2 have the additional. Cascade is coming on board.
3 We have Flathead looking at coming on board. And
4 so other counties are looking at coming on board
5 that project.

6 So I think we are going to over the next
7 two years see a need, a higher need, as far as
8 turnover. We went from two officers to four.
9 We've lost one officer, you know, he left the
10 agency, so we're in the process of hiring one, so
11 we'll have one coming on board here hopefully
12 within the next couple weeks. So that's the start
13 point, right? Like that year starts counting
14 then.

15 I know that Billings has, I believe
16 Billings has some positions open. I know that
17 Butte-Silver Bow, they just had a change, so the
18 person that was doing it for them, there are now
19 two individuals there, two different individuals
20 there, so there is at least a couple there. It's
21 coming.

22 MS. BOLGER: This is Katrina. That's
23 also not considering all of the private entities
24 that are also -- (inaudible) --

25 MS. SOJA: Yes, like Gallatin County has

1 their own pretrial.

2 MR. GLADE: This is Wyatt. I think that
3 there is going to be a lot more people coming for
4 training for this particular thing, and I'm
5 specifically talking about pretrial monitoring. I
6 think this has been building from the County
7 Attorneys Association.

8 One of the things we've tried to push
9 over the last couple of years is that diversion
10 project for some of the lower level drug offenses,
11 rather than sending that evidence to the lab,
12 rather than eating up a bunch of OPD time, and
13 Court time.

14 What we pitched to the Legislature last
15 time was to try to divert those cases early into a
16 treatment course, and there would be a diversion
17 agreement where -- the way I've got it structured,
18 the defendant pleads guilty, and the case is
19 suspended, they go through treatment. If they
20 successfully complete and don't get in trouble in
21 the meantime, we dismiss the case.

22 So instead of ever going to the DOC, the
23 whole reason we're charging these people is to get
24 them into treatment, they get it, and that's their
25 shot. Saves some money for the OPD, for the lab,

1 for the Court system, for the DOC ultimately.

2 But what we lack, and why it didn't
3 work, is because we didn't have somebody to
4 supervise those people during that period of
5 diversion. And what we've done in Custer County
6 is we contract with a private company to do that,
7 or Misdemeanor Probation and Pretrial Services.

8 But what I'm building to here is I think
9 that at the next legislative session this is going
10 to be something that's pretty important. I know a
11 bunch of the legislators are looking at trying to
12 implement a pretrial diversion plan that's
13 consistent state-wide; County Attorneys are trying
14 to do this.

15 No one could predict whether it's going
16 to happen or not, but if it does happen, we're
17 going to need people who are trained to supervise
18 these defendants during this time period, and I
19 think it's going to be Pretrial Services. So I
20 think there is going to be a need.

21 UNKNOWN SPEAKER: Matt, I just was going
22 to say I know for certain that one of you
23 definitely will need to -- because he's been
24 through officer basic.

25 But also coming to work every day, and

1 look through the jail log, and everybody's
2 released to Pretrial Services. If you do a
3 felony, you are released to Pretrial Services,
4 rather than just a straight recognizance. I can
5 see it definitely being something that's going to
6 get real big.

7 MR. JOHNSON: This is Perry. I think
8 that then we're probably at a point where we need
9 to have a consensus from the Council that this is
10 a program -- as long as we've already looked at
11 the syllabus for Pretrial Service, we developed
12 that curriculum, and we're looking for now a
13 partnership that's standing in front of us to move
14 this program forward.

15 And I wish I would have asked Glen to
16 speak before he left, but really what he did tell
17 us today is we're building the infrastructure, but
18 we're not building the staff to accommodate more.
19 So we can maybe train more cops, but to try to
20 entertain an additional, a new discipline, he
21 doesn't have the horses to pull that plow.

22 These guys do, and they're ready to go.
23 And I think that what I would ask you to consider
24 is what Scott has said to us today. He made
25 reference to the letter from Gallatin Court

1 Services. I think that it's important that we
2 make sure that the stakeholders that are involved
3 in this still have a seat at the table, that you
4 guys acknowledge that they have something to bring
5 to the table.

6 And it's very important, I think, that
7 you recognize that's where the expertise is, and
8 if we're going to build it, like what Kevin talked
9 about, we start with a three year plan. It's got
10 to get better. And if that means adding time,
11 adding more classroom, or adding more online, then
12 I think that ability to be nimble I think is --
13 There is an advantage to the Council to enter into
14 a partnership with you.

15 But at this point, I don't think that
16 I'm aware of another option. And I think that
17 this appears to be an excellent opportunity to
18 enter into a relationship with these guys that are
19 really committed to public safety in the state of
20 Montana.

21 MR. MICKELSEN: Can I say one more
22 thing? In a community college, we're not going to
23 go back and say, "Okay. This is what we're going
24 to teach, this is how it's going to be." You've
25 got the curriculum; but we also look for other

1 people.

2 Sometimes we form advisories, and we
3 bring in the best minds and the best ideas to make
4 this possible. That's another beauty of the
5 community college, is we just don't say, "You know
6 what, here it is. We're just going to go offer
7 it." We can make connections.

8 And Rick has got more connections than
9 just about anybody I know. And so I know that we
10 can build a quality program with people. It's all
11 about that partnership, and we're excited about
12 it.

13 ACTING CHAIRMAN STRANDELL: Jim.

14 MR. THOMAS: This is Jim. I guess I'm
15 -- and you kind of touched on it briefly there,
16 quality control.

17 On Page 142, and some of the comments
18 about the previous -- (inaudible) -- we had toward
19 the end there -- (inaudible) -- had no idea what
20 we even do on a daily basis. And I was in a
21 meeting yesterday where that kind of was brought
22 up also about the class.

23 So can you briefly touch on your -- I
24 mean I don't want to see another comment from, you
25 know, like that again. I really don't.

1 UNKNOWN SPEAKER: Neither do we.

2 MR. MICKELSEN: I'll talk broadly about
3 how we deal with that. So we have an assessment
4 process through the entire college, and we have an
5 assessment process within learning. So we have
6 objectives for courses, we have student learning
7 outcomes, we have assessments that we do to
8 measure those outcomes, so that what we say we're
9 going to teach, what the students need to learn,
10 what business and industry, our partners, say they
11 need to learn, we're teaching to those standards.

12 So that's one way we control it. I'll
13 let Rick -- he can probably get more specific on
14 some of those things.

15 MR. SyWASSINK: This is Rick. The only
16 thing I can add to Scott's comments -- and Perry,
17 you brought it up -- this program, when we put it
18 into place, we're just not going to go back and
19 say, "This is what is going to happen." Okay. I
20 have my own advisory board, but I'm going to
21 develop another advisory board over this
22 particular program.

23 Because as I'm reading comments in the
24 book, like you were talking about, Jim, I read the
25 syllabus, and the critiques, and everything else,

1 and you go, "Holy mackerel." There is some things
2 not anybody knows. So those are things we need,
3 and that's why -- we can make this go in June, but
4 we need to get at it, because spend some time
5 pulling it together, and revisiting all of the
6 instructional material, and syllabi, and all that
7 kind of stuff.

8 So we will work with everybody. That's
9 not a problem. You guys are not going to be shut
10 out at all. And I'm big on -- as Scott and
11 Shamani can tell you, I'm big on networking, and
12 getting the information. So that's where I'm
13 going to go with it.

14 MR. JOHNSON: This is Perry. And you
15 know, just to build on that, there is a pilot
16 program that Gloria talked about, but Gallatin
17 County has been doing this for 20 years, 25 years.
18 There is some expertise out there, and I think
19 what Kevin referred to earlier was we really
20 expect that cadre of people with that skillset, or
21 that knowledge already built, to continue to
22 participate.

23 And I think that they have made that
24 commitment, and they did during those
25 conversations with your Curriculum Committee even.

1 So I think that advisory group that you
2 pulled together, just because Lewis & Clark is
3 only a couple years old doesn't mean they don't
4 have some expertise.

5 MR. SyWASSINK: Absolutely.

6 MR. JOHNSON: You know, Butte's the same
7 way.

8 MR. SyWASSINK: Everybody has got
9 something to contribute, and that's where we want
10 to go with it and make sure it works well for all
11 your people to go out there. Hey, it's no
12 different than the cops being out on the street.
13 We want to make sure that these guys are safe and
14 doing their job right, and like Perry said,
15 serving the public as we're supposed to, be
16 training and educating our students. So that's
17 kind of my approach to --

18 ACTING CHAIRMAN STRANDELL: Ryan.

19 MR. OSTER: This is Ryan. Just a quick
20 question. Probably don't even need to ask it. So
21 adjunct instructors are required to have the
22 instructor development in order to teach POST
23 certified classes, which Glen said they're going
24 to work on, right?

25 MR. JOHNSON: Right.

1 MR. OSTER: College instructors that
2 they may use, where do they fall into this mix?

3 MR. JOHNSON: This is Perry. They would
4 only need their bio to foundation them as
5 qualified to teach. So keeping in mind, we don't
6 give a certificate to anybody that's not a Public
7 Safety Officer.

8 So for example, if the Reid Interview
9 School comes to Montana, none of their instructors
10 are POST certified in Montana. The foundation for
11 their instruction comes from their experience, and
12 their education, and their bio. That's what it's
13 based on.

14 MR. SyWASSINK: Ryan, just curious.
15 This is Rick again. Our adjunct instructors, one
16 was the Chief Deputy at the Sheriff's Office, 20
17 some years experience. Myself, I'm not currently
18 an active officer, but I have my masters degree
19 and 45 years experience. County Attorney. So
20 we've got the staff that meets the qualifications,
21 I think, to teach.

22 MR. OSTER: This is Ryan again. I'm not
23 questioning that --

24 MR. SyWASSINK: Oh, no. I'm not
25 arguing. Just so you know --

1 MR. OSTER: I'm just saying we sit here,
2 and we do things, and then we go, "Wow, that
3 doesn't fit with our ARMs."

4 MR. SyWASSINK: No, I understand. Just
5 to let you know, that's a thumbnail. I'm just
6 looking at three other instructors this week, so
7 we've got a lot going on in that respect.

8 Are there any other questions anybody
9 has? I'll answer them. I'm not shy. Neither is
10 Scott. Believe me.

11 If you have questions, I've handed out
12 my cards. I'll give them to the rest of you. If
13 you have questions, please email me or call me.
14 It's not a big deal. If he's not around, I'll
15 talk to you. No problem. Do you have anything
16 else, boss?

17 MR. MICKELSEN: I don't. We're just
18 excited about it, look forward to it.

19 MR. SyWASSINK: I'll get out of your
20 way.

21 ACTING CHAIRMAN STRANDELL: Is there any
22 action?

23 MR. SyWASSINK: Thanks for the
24 opportunity.

25 MR. MICKELSEN: Yes, thanks.

1 MR. JOHNSON: I think I would suggest
2 that following discussion, you guys make a
3 decision whether or not this is the program that
4 you want to endorse for the Pretrial Services
5 Basic Academy.

6 ACTING CHAIRMAN STRANDELL: Do we have a
7 motion on that?

8 MR. GLADE: I'll make the motion to
9 endorse Dawson Community College Pretrial Services
10 Misdemeanor Probation Basic Academy.

11 MR. THOMAS: I second.

12 ACTING CHAIRMAN STRANDELL: Motion and
13 second. Jim seconds.

14 MS. KEUNE: Wyatt first.

15 ACTING CHAIRMAN STRANDELL: Any further
16 discussion?

17 MR. SAYLER: This is Matt. Can I just
18 ask one question? There will be -- are we going
19 to have like a year that we're going to test this
20 out, or is it --

21 MR. JOHNSON: This is Perry. I think
22 that's up to you fellows. I think that the motion
23 provides an opportunity for a Basic Academy, and I
24 think that the proof will be in the pudding by
25 this summer, how it's presented, and how it's

1 received.

2 And we should probably come back and
3 have a further discussion in October at our
4 meeting, and maybe invite these fellows back to
5 get their perspective, and then take a look at the
6 evaluations of the course from the students that
7 participate, and then make a decision as to how we
8 want to move forward.

9 ACTING CHAIRMAN STRANDELL: Do you want
10 to amend your motion, Jim, to include that?

11 MR. JOHNSON: It was Wyatt's motion.

12 ACTING CHAIRMAN STRANDELL: Or Wyatt's.
13 I'm sorry.

14 MR. GLADE: I would like to amend the
15 motion to include that. I'm not exactly sure how
16 to word that. I mean are we going to say endorse
17 this for a period of six months? Eight months?

18 UNKNOWN SPEAKER: Initial class.

19 MR. GLADE: An initial class.

20 ACTING CHAIRMAN STRANDELL: An
21 evaluation of --

22 MR. GLADE: With evaluation to follow,
23 and further Board action if necessary at that
24 time.

25 ACTING CHAIRMAN STRANDELL: Does

1 everybody understand the motion? Jim, are you
2 okay with that on the second?

3 MR. THOMAS: Yes.

4 MR. SyWASSINK: John, can I interject
5 one thing?

6 ACTING CHAIRMAN STRANDELL: Yes.

7 MR. SyWASSINK: This is Rick. If you
8 look on that proposal, the audit, the quality
9 control of the classes and everything is in the
10 proposal. That's up to POST and up to the
11 Academy. They will review that, we will review
12 their rules on quality control and the whole bit
13 on the courses. So we put it in the proposal, and
14 it's there for people to take a look at.

15 ACTING CHAIRMAN STRANDELL: Okay.

16 MR. OSTER: So this is Ryan. So this
17 was a new program. POST was mandated to provide a
18 basic training for this, right, and to provide
19 certification. So is there anything else we have
20 to do with this, or will this take care of our
21 responsibilities with regards to this?

22 MR. JOHNSON: This is Perry. I think by
23 building in the evaluation or the audit
24 opportunity, I think what Rick just said in
25 regards to the ability of MLEA and POST to have --

1 it's kind of a open campus where we can sit in a
2 class and audit it, we can sit in all of them and
3 audit it, we can ask our stakeholders to provide
4 feedback.

5 I think we've gone beyond what our
6 responsibility was, to be honest with you. We
7 just had to approve a syllabus. But I guess just
8 because, based on the conversations we've had
9 before, I felt a lot more responsibility to at
10 least make sure that there is a provider for the
11 Basic Academy, because Kevin said no more; Glen
12 said, "I can't do it," and so that's how we got to
13 here today.

14 We reached out, or I reached out, and
15 those guys responded. And so I think that the
16 conversations I've had with Glen, it looks like
17 it's a healthy relationship with us. I think that
18 while he doesn't have staff to do the whole thing,
19 he's even extended an offer to you fellows to use
20 his Assistant Attorney General to cover some of
21 the legal issues instruction.

22 UNKNOWN SPEAKER: Yes.

23 MR. JOHNSON: So that's kind of a leg up
24 right there. And if the County Attorney has a
25 Deputy County Attorney that wants to audit that

1 presentation, maybe adopt it at some point, that's
2 some opportunity. But I think we did it. I think
3 we covered what we were required to cover.

4 MS. BOLGER: This is Katrina. Aside
5 from certifying and continuing to track training,
6 -- (inaudible) -- and doing all the other
7 day-to-day stuff we do for everybody.

8 MR. JOHNSON: Right.

9 ACTING CHAIRMAN STRANDELL: Any further
10 discussion? Tony, Tia, do you guys understand the
11 motion and the amended motion?

12 MR. HARBAUGH: Yes.

13 MS. ROBBIN: I do.

14 ACTING CHAIRMAN STRANDELL: Okay. Any
15 further discussion?

16 (No response)

17 ACTING CHAIRMAN STRANDELL: All in
18 favor, say aye.

19 (Response)

20 ACTING CHAIRMAN STRANDELL: Opposed.

21 (No response)

22 ACTING CHAIRMAN STRANDELL: Motion
23 passes. Go ahead, Tony.

24 MR. HARBAUGH: Aye.

25 MR. JOHNSON: That takes us to -- are

1 you ready to move?

2 UNKNOWN SPEAKER: Let's do her.

3 MR. JOHNSON: That takes us to the
4 Director's report. I seldom get an opportunity to
5 speak to Jason Jarrett, but I'll take an
6 opportunity now to direct your attention to Page
7 253. At the bottom of that, you'll see that Jason
8 retired -- congratulations -- back in December,
9 and turned into a part-time employee. It's his
10 intent to resign.

11 I've reached out to Stacy Otterstrom,
12 the Governor's Appointment Secretary, to ask her,
13 or to make her aware that there is an opening.
14 They still do have some applications on file from
15 when they appointed Jason.

16 But this material went out to all of the
17 POST stakeholders that are detention
18 administrators, and there's still an opportunity
19 for others to apply if they want to. So this is
20 an informational item on the agenda unless Jason
21 wants to speak to it further.

22 MR. JARRETT: Leo and MSPOA probably
23 should have that weigh-in. That was the one of
24 the issues originally, so --

25 ACTING CHAIRMAN STRANDELL: This is

1 John. You'll stay with us, Jason, until we get a
2 new -- (inaudible) --

3 MR. JARRETT: I've offered that at the
4 convenience of the Council.

5 ACTING CHAIRMAN STRANDELL: Thank you.

6 MR. JARRETT: That's your -- you call
7 air strike in on yourself all you want.

8 ACTING CHAIRMAN STRANDELL: We haven't
9 had to utilize that yet, so --

10 MR. JARRETT: The more I'm around, the
11 more opportunity for me to make an ass of myself.

12 ACTING CHAIRMAN STRANDELL: Thank you.

13 MR. JOHNSON: That takes us to Page 254.
14 There is our operating budget right there in front
15 of you. You can see that we started out with
16 \$458,990. We have expended \$191,843. We have
17 \$267,146 left in our balance. Our budget is in
18 excellent shape.

19 ACTING CHAIRMAN STRANDELL:
20 Certificates.

21 MR. JOHNSON: Certificates awarded were
22 565 since we met last time. And then you can
23 see --

24 -- (inaudible) --

25 MR. JOHNSON: How come? This was pretty

1 nice of you, Mary Ann. Hey, I've got to just stop
2 for a minute and let you guys know. I don't know
3 if Katrina or Mary Ann felt it, but we really felt
4 unprepared for this meeting, because for the last
5 month we've been moving our office into a
6 different building.

7 So in regards to any kind of
8 discretionary time, what we carved out for Case
9 Status Committee meetings, and ARM Committee
10 meetings, and Business Plan Committee meetings,
11 boy, I'll tell you what, we have just been -- we
12 have really had our oars in the water.

13 So if there is something that was
14 missing for this meeting, that's the way it goes,
15 because there was no way we were going to stay in
16 the Maple Building and continue to operate,
17 because they got the asbestos team in there
18 cleaning that building out right now, and that's
19 what they're doing, so --

20 But I think it translated okay. I think
21 the move has gone pretty well. And I have to give
22 cudos to both Mary Ann and Katrina. They just
23 bucked up, and started loading boxes, and away we
24 went.

25 MS. KEUNE: Perry handily had an

1 appointment.

2 MR. JOHNSON: Well, when you get to be
3 my age, there is a lot of appointments.

4 MS. BOLGER: He did have to take all of
5 the stuff off of his walls.

6 MR. JOHNSON: Well, anyhow, I wish I
7 wouldn't have started this.

8 UNKNOWN SPEAKER: Take down the Farrah
9 Fawcett poster?

10 MR. JOHNSON: So here we go. We awarded
11 565 certificates. We approved training this last
12 section for 1,578 officers that comprised 2,394
13 courses. And so we ended up approving 23,447
14 hours of training.

15 Equivalency granted is found on Page 255
16 and 256. And extensions granted are found on
17 Pages 257 and 258.

18 Just looking back at some of the history
19 of some of our meetings, at least since I started,
20 often when we met six or six and a half years ago,
21 extensions were -- sometimes we didn't have any,
22 and sometimes we had one or two.

23 Now you see that we're having more
24 extensions, but that's really predicated on the
25 capacity of the Academy, you know, who they have

1 housing for, and the capacity of that staff to
2 train people. So when they're built out this
3 fall, I think that we can expect to see those
4 extensions go down.

5 I included a couple of misconduct
6 articles here, I guess for lack of a better word.
7 One just relates to revocation, and while it might
8 be an older article, I think it's still relevant.
9 That's a good conversation that we should be aware
10 of, especially when you consider there are some
11 states don't have the ability to revoke at all.
12 They do have the authority to issue certificates,
13 but they can't make a sanction on it.

14 And then that other one, in regards to
15 Colorado, your Case Status Committee, every time
16 we meet, deal with honesty issues; every time
17 without exception. And that's one of the biggest
18 issues that we deal with. And we've had the
19 ability to examine officer conduct, and take
20 actions against certifications, based on the
21 honesty or the integrity of the officers forever.

22 So I just included that because some
23 states didn't have ability to do that, and some
24 states actually used statute to allow them to do
25 that.

1 Just in regards to office updates, I
2 started already by telling you folks that we moved
3 into the new building. We're in the Admin.
4 Building now, so that's the building closest to
5 the cafeteria on campus. We have the whole wing
6 that's -- well, I guess that's the west wing.

7 MS. KEUNE: It is.

8 MR. JOHNSON: Keep that on.

9 UNKNOWN SPEAKER: Perry President.

10 MR. JOHNSON: That would be a demotion.
11 So we did get moved.

12 I already mentioned that Kristina really
13 wants to spend more time with her family, so we've
14 started those conversations with DOJ in regards to
15 what appears to be some pretty good opportunities.

16 We've also had some conversations with
17 some other attorneys that are out there, and I'll
18 keep you posted as that develops.

19 In regards to our modified position in
20 our office, I guess what we've done there is we
21 looked at our budget, and we've approached DOJ,
22 and said, "Hey, we've got budget to do a modified
23 FTE in our office and do an emergency hire." And
24 we've had the same staff member there as a temp
25 for over a year.

1 And when I gave cudros to Mary Ann and
2 Katrina for that move, the same staff member, she
3 just buckled down, and started working, and that's
4 the way she is. She comes in, says "Good morning"
5 in the morning to the rest of the staff, and sits
6 down and goes to work.

7 So we approached DOJ. They took a look
8 at it, and they said, "You do have budget
9 available to do that, and we'll help you translate
10 that individual into that position, so you'll have
11 her for a year." So that's what our goal is.
12 We'll start that process probably the first week
13 of March, and then we'll interview, and we'll make
14 a decision as to who will serve in that capacity.

15 The agency move I've gone over. The DOJ
16 end of your report is just one of those reports
17 that DOJ does every year. We're found in that
18 report I think on Page 270 under the Short Term
19 goals. Do I have that right?

20 MS. BOLGER: Yes.

21 MR. JOHNSON: 271, I guess, short term
22 goals, for the POST Bureau. And then the long
23 time goals are the things that we've always talked
24 about during our Council meetings in regards to
25 the ethics, the outreach to our agencies and our

1 officers, and then legal support staff are big
2 deals for us.

3 So I think that's what I've got for you,
4 Mr. Chairman.

5 ACTING CHAIRMAN STRANDELL: Okay. Is
6 there anything else that we need to discuss?

7 (No response)

8 ACTING CHAIRMAN STRANDELL: Hearing
9 none, do we have a motion to adjourn?

10 UNKNOWN SPEAKER: I move --

11 MR. HARBAUGH: John, this is Tony.

12 ACTING CHAIRMAN STRANDELL: Go ahead,
13 Tony.

14 MR. HARBAUGH: Do we have an opportunity
15 maybe to look at meeting dates or -- I guess I'm
16 just curious if we get them on the schedule.

17 MS. KEUNE: They are on.

18 MR. JOHNSON: Okay. What are they?
19 Mary Ann was just saying that they are on.

20 MS. KEUNE: We did. At the end of the
21 last year you guys approved those.

22 ACTING CHAIRMAN STRANDELL: Mary Ann is
23 looking for it, Tony. She had to take them off of
24 Perry's wall.

25 UNKNOWN SPEAKER: When I looked the

1 other day, on the website it said June 3rd and
2 October 2nd.

3 MS. KEUNE: Thank you.

4 MS. BOLGER: On the website is
5 absolutely.

6 MR. HARBAUGH: I missed them. I
7 apologize. Thank you.

8 MS. KEUNE: I should put those on the
9 agenda next time.

10 ACTING CHAIRMAN STRANDELL: So are both
11 of them here?

12 MR. JOHNSON: No. I think the
13 conversation we had during our last meeting was we
14 discussed the June 3rd meeting in Lewistown, and
15 we discussed the October 2nd meeting in Kalispell.
16 But that's open for discussion now.

17 MR. HARBAUGH: I have a conflict on the
18 3rd, but that's not a big issue. I'll just have
19 to do another one by phone if possible.

20 ACTING CHAIRMAN STRANDELL: Anybody else
21 have conflicts or problems with that? Does it
22 look okay?

23 UNKNOWN SPEAKER: I think that October
24 2nd one is the MACOP conference, and I think it's
25 in Kalispell.

1 ACTING CHAIRMAN STRANDELL: Is it?

2 MR. JOHNSON: Are you okay with that
3 then?

4 UNKNOWN SPEAKER: Can you function
5 without me?

6 MR. JOHNSON: Probably not.

7 UNKNOWN SPEAKER: I don't have a west
8 wing, but I'm pretty important.

9 MR. JOHNSON: Yes, you are.

10 ACTING CHAIRMAN STRANDELL: Okay. We'll
11 stay with those dates unless --

12 MR. DUTTON: You might have a right
13 wing.

14 ACTING CHAIRMAN STRANDELL: -- conflict,
15 I guess, so --

16 MR. JOHNSON: Is Lewistown okay? Okay.
17 I'll reach out and see if I can find a venue over
18 there.

19 ACTING CHAIRMAN STRANDELL: The
20 Sheriff's Office has a large conference room.

21 MR. JOHNSON: In the basement?

22 (Inaudible conversation)

23 ACTING CHAIRMAN STRANDELL: I don't know
24 what they have for a phone.

25 UNKNOWN SPEAKER: October 2nd is a

1 Friday?

2 UNKNOWN SPEAKER: According to the next
3 box.

4 MS. BOLGER: The schedule is the October
5 date was set to accommodate the Board of Crime
6 Control convention maybe.

7 UNKNOWN SPEAKER: MPCIA is --
8 (inaudible) --

9 UNKNOWN SPEAKER: Days.

10 ACTING CHAIRMAN STRANDELL: We can --

11 MS. KEUNE: That was a Friday. Maybe
12 it's the 7th, is it? I don't know.

13 MR. DUTTON: For those that are hard of
14 hearing, can you repeat the proposed dates again?

15 ACTING CHAIRMAN STRANDELL: We were
16 talking June 3rd and October 2nd, but the 2nd
17 probably won't work, Leo, because it's a Friday.

18 MS. KEUNE: How about if I email out
19 what the next meeting dates are.

20 ACTING CHAIRMAN STRANDELL: Yes. Why
21 don't you just verify that with us. Any further
22 discussion? Jim made the motion to adjourn. Do I
23 have a second?

24 MR. GLADE: Second.

25 ACTING CHAIRMAN STRANDELL: Wyatt

1 seconds. All in favor, say aye.

2 (Response)

3 ACTING CHAIRMAN STRANDELL: Thanks,
4 everybody.

5 (The proceedings were concluded)

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